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REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 7, 1976 at 1730 hours, in regular session:

PRESENT: Commissioners Ciani, Gallegos, Siggins

ABSENT: Commissioners Hall, Murphy

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of June 30, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

CHIEF'S REPORT TO THE POLICE COMMISSION.

Chief Gain stated that he did not have a report for the Commission this week.

POLICE COMMISSION DISCUSSION REGARDING PLANS FOR SETTING OF FUTURE HEARING DATES ON THE BAR ASSOCIATION'S CITIZEN COMPLAINT PROCEDURES.

Commissioner Siggins stated that the Commission was all set to announce the dates for these hearings and they were announced as follows:

- LeConte Jr. High School - - - - - July 29, 1976
- Anza Elementary School - - - - - August 12, 1976
- Portola Jr. High School - - - - - August 26, 1976
- Gallileo High School - - - - - September 9, 1976
- Herbert Hoover Jr. High School - - - September 23, 1976

The Commissioner further stated that copies of the City Attorney's Opinion, on the Bar Proposal, upon its arrival, will be made available by the Department, to all interested parties.



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POLICE COMMISSION DISCUSSION REGARDING REQUESTS OF
THE BOARD OF SUPERVISORS RECEIVING INFORMATION AS
TO WHEN POLICE OPERATIONS WILL COMMENCE IN THE
HALLIDIE PLAZA FACILITY - CONTINUED FROM THE MEET-
ING OF JUNE 30, 1976.

Commissioner Siggins asked the Chief if he was going to report on this subject.

Chief Gain: "There have been, periodically, questions raised about the establishing of a sub-station at Hallidie Plaza. As a consequence of that and one specific request of one Supervisor in regard to the Plaza, we conducted a study. I have submitted a report to the Commission and recommend your concurrence with our conclusion. At your pleasure now, I will briefly review that report and respond to any questions. Our position paper reviews the history underlying the establishment of a police sub-station at Hallidie Plaza and discuss the present feasibility of establishing one and then we present a conclusion. As far as the history of establishing a sub-station there, from our research, we found that the idea first came about in August of 1974, at a Finance Committee Meeting when a Supervisor expressed a desire for one at that location. Meetings were subsequently held among the Mayor, Police Department and so on, and finally in late 1975 the then Chief of Police approved the plans. As to the present feasibility in our paper, we address the suitability of the location, police availability, and public sentiment. As to the location itself, we do have photographs and drawings which we presented to you and the sub-station that is proposed is 165 square feet all glassed in. The area in itself, 165 square feet, is not sufficient for much more than a desk and a couple of chairs. From the standpoint of the location within the Plaza itself, it is not really a suitable location at all for a substation because it is not in a location where the greatest amount of traffic is. As to police availability, as we report, that area is one of the most heavily traveled, in that there is two car sectors there. One from Central and one from Southern which overlap. There is also foot patrol and because of policing needs we have assigned there unenclosed uniformed officers from the Crimes Specific Task Force. So we feel therefore because it is heavily policed, that that policing is sufficient. In regard to the availability of police personnel, in fact, to staff the station, we know we have realized a reduction in police personnel so we simply do not have police officers to assign there, coupled with the fact that we feel that the numbers there augment as need be will suffice and there is no need to open the station. As regard to public sentiment of course, and the newspapers at that time, people did go on record favoring the establishing of a sub-station based upon a feeling of being more secure if one were there. We feel by the presence of uniformed officers in cars and on foot, that that too provides the feeling of assurance that people are seeking. In our conclusion we state that the Police Department as you are well aware, of course, has adopted the policy of providing policing service throughout the city based upon need. So if the need

does arrive in Hallidie Plaza to have augmented police on foot or in cars, particularly on foot, we will augment that on a permanent basis if that becomes necessary. We feel then in our conclusion that there may have been a felt need at one time, that there is not in fact a supportable need at this time and therefore it is our conclusion that one should not be established and we request your concurrence. And to that I would add of course that we are concerned about that area as with other areas in the city and in regard to that particular location we will report periodically to the Commission about the policing problems that may exist there and the policing services that we are providing there. Then I would ask too, that we receive the petition today of numbers of persons who are concerned about policing in that area. They support the sub-station and we will correspond with these persons and tell them what we are doing by way of providing policing services."

Commissioner Gallegos: "I visited the sight following your suggestion for us to do so and it seems to me that architects really provided a situation there where it is conducive to loitering. Perhaps there is nothing wrong with that, but I know that some of the terraces invite that kind of thing. Furthermore, I believe the facility would be very inadequate for the safety of officers. It's encased in glass. There is the problem of taking someone downstairs and upstairs again if you did detain them in that little glass room. It just seems to be completely unfeasible. From every indication it seems to me the presence of uniformed officers upstairs would have much more impact in controlling the situation than being in a facility that just by its design is not conducive to use for that purpose. And then if you add a dollar cost in trying to make it habitable for policemen, it just doesn't make sense at all."

Commissioner Siggins: "Just to man a station, Chief, how many people would you need?"

Chief Gain: "It depends on use. We have to have, for instance for five days a week, we probably would have to have a minimum of three. If we extend it to day time and night time then we would have to have probably five and it depends upon the use. One of the greatest problems we have had putting persons inside sub-stations would not in fact, provide the policing needs there that are wanted. Because if they are in there they could provide no more than informational services to people who came to that sub-station. So we would wind up perhaps having to staff the inside and then officers assigned there based upon need would have to leave. Those are the type of problems that are presented with a sub-station."

Commissioner Ciani: "I am curious about the type of feasibility study that was done initially. Was there

a feasibility study or was there just simply a presentation of architectural plans?"

Chief Gain: "As best we could find out as we try to indicate in the report, there was a meeting of the Finance Committee, someone expressed the desirability of a sub-station and then it grew from there and from there we could not find really a plan on usage. One concept was an informational-type center, one concept was a police station out of which policemen would work, lockers and the whole thing. But it is something that has been talked about over time and actually had no concrete plans set for it and so on."

Commissioner Ciani: "At no time were the matters that you mentioned discussed, such as inaccessibility to the street ----?"

Chief Gain: "We could not find anything in writing to that point at all. It was just a concept that had been discussed with no detail study to support need or as to utilization."

Commissioner Siggins: "We are talking about some kind of moral commitment that we have a station, there is nothing carried on from Planning or anything?"

Commissioner Gallegos: "Who ordered that facility, is that a City facility or is it a BART facility?"

Captain Sully: "BART facility."

Commissioner Ciani: "Was it actually built with a private family's donation?"

Captain Sully: "The Convention and Tourist Center was built with a donation from the Swig family."

Commissioner Gallegos: "And that little room was part of that Convention Center or was that another room?"

Captain Sully: "No, that was added on. It was \$13,500 to add the extra room on. Originally the Swig family proposed to put \$100,000 into the pavillion. At that time the Chief indicated that a member of the Board of Supervisors said that he always thought of that as a good place for a sub-station. At that time the Swig family decided that if the sub-station was going to go there they would withdraw their offer. They were prevailed upon to re-introduce their offer and it was presented separate by the Mayor and the Board of Supervisors and it indicated a \$100,000, actually it was \$110,000 dollars just standing there and they ran \$13,500 short to complete the present facility and last year Chief Scott agreed that the Convention Facility would be a fine thing for the police to have a small area in there but due to the change in the Department, the lack of personnel and so forth, the great amount of service provided in that area is by the Central and Southern Stations."

Commissioner Siggins: "In other words, I take it from the report you feel that this would be a complete mistake to man this facility."

Chief Gain: "Absolutely, absolutely, a complete mistake to do it, because we would have to assign police officers from other tasks to do it and wherever we reassign them to put them inside that building it would in fact, in our judgment, be a waste of manpower and a great disservice to the citizens. Right in that very area of the sub-station as a matter of fact."

Commissioner Siggins: "There is a representative of the Market Street Development Association here and her name is Mrs. Sharon DeZordo, do you have something to say Mrs. DeZordo?"

Mrs. DeZordo: "Yes, I do; the Market Street Development project does not oppose the Police Department's Staff Report on not opening the sub-station at Hallidie Plaza. We know that probably comes as a surprise to many people since we were one of the ones who were in favor of it in the beginning but having read the study and the fact that we are of the opinion that the location of the sub-station is absolutely not at all visibly situated to the public. There is no place where you can put a sign up to notify anyone that comes into the sub-station which still I don't know what that really is and therefore we feel it will not act as a crime deterrent in that area. We understood at one time that it would be manned by cadets. Now we understand that there are no cadets available and therefore it would be more than likely manned by a police officer which is just creating another stationery job. We do want them out on the street. Commissioner Gallegos' remark about people napping on the terrace is very interesting. In trying to alleviate the loitering problems in that area and today in cooperation with Diane Fueherer and several other people in the city, we have 18 new enormous trees in boxes going up on these terraces, it will be very little place to nap on unless you are under four feet or something. It is more or less cleaning up the area. For use of that space, we discussed with Jack McDowell and Mr. Rumford of the Bart Police and asked them if they would be interested in utilizing that space and they are very interested and are going to meet with representatives of the City hopefully tomorrow on taking that over. The majority of the problems that have been directly down in the Hallidie Plaza area seems to be Bart problems. People wander inside the station which I don't know is correct or not but would that prevent the San Francisco Police from, if they are inside of Bart Station in the Hallidie Plaza, but they do have their own police department and they prefer to handle their own problems. So I just wanted to go on record as stating the general tone in favor of the sub-station area being utilized for something and maintaining police officers on the street as they are now and particularly now it's tourist season, we have people lined up for cable cars all the way up to Ellis and beyond and perhaps a little more attention could be paid to that area right now of pick-pocketing and pursesnatching by policemen in plainclothes. Thank you."

Commissioner Ciani: "May I ask what would the Bart personnel use this for, they would put their own security persons in uniform?"

Mrs. DeZordo: "They do not at this time along Market Street have an office that is large enough and they would take this spot for the needs of their security people taking care of their own arrests and so they are extremely interested in that space, so it is not an area that will go to waste. They have been looking for something they do not provide in their own stations, so it would be very very possible that it is what they want. They are available also and they are considering asking the Convention Bureau if they want to take over that space."

Commissioner Gallegos: "Do the Bart Officers have any jurisdiction on the surface on the Bart itself or is it just subterranean jurisdiction?"

Chief Gain: "It is just on the Bart property actually."

Captain Sully: "Bart and Muni, Bart and Muni have that agreement. Bart has jurisdiction on the Bart facilities and a concurrent jurisdiction with Muni on both Muni and Bart level. Actually they have the same rights as a citizen outside of the lines and they are police officers on the Bart system. It's a basic power."

Chief Gain: "We have concurrent jurisdiction with them of course on Bart property."

Commissioner Gallegos: "(To Commissioner Ciani) Would you make the motion?"

Commissioner Ciani: "I'll make that motion and incorporate all those suggestions that we approve this report and indicate to the Board of Supervisors just how the actions were taken and the reasons and communicate that to them with a copy of the report."

Commissioner Gallegos: "And also the fact that the Chief will report to the Commission about the problem of policing there every three months or at regular intervals, so I will second that motion."

Commissioner Siggins: "Any discussion? All in Favor?"

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

REQUESTING THE POLICE COMMISSION TO ADOPT A RESOLUTION
APPROVING THE CONFLICT OF INTEREST CODE FOR THE SAN
FRANCISCO POLICE DEPARTMENT - CONTINUED FROM THE MEET-
ING OF JUNE 30, 1976 - CONTINUED TO JULY 14, 1976.

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

RESOLUTION NO. 289-76

AMENDING PART II, CHAPTER XI, SAN FRANCISCO MUNICIPAL
CODE (TRAFFIC CODE) BY ADDING THERETO SECTION 38.k ES-
TABLISHING BLUE ZONES FOR HANDICAPPED PERSONS AND AMEND-
ING SECTION 38.F TO PROVIDE PENALTIES FOR VIOLATIONS
THEREOF.

RESOLVED, that the Board of Supervisors, be,
and they are hereby requested to amend Part II, Chapter
XI, San Francisco Municipal Code (Traffic Code) by add-
ing thereto Section 38.k establishing Blue Zones for
Handicapped persons and amending Section 38.F to provide
penalties for violations thereof, as follows:

Be it Ordained by the People of the City and County of
San Francisco:

SECTION 1. Part II, Chapter XI, San Francisco
Municipal Code (Traffic Code) is hereby amended by
adding thereto Section 38.k to read as follows:

SEC. 38.K Curb Parking Regulations Blue Zones.

No person shall park in a blue curb marking except those
vehicles displaying a distinctive license plate issued
pursuant to the provisions of Section 22511.5 or Section
9105 of the Vehicle Code of the State of California.

SECTION 2. Part II, Chapter XI of the San Francisco
Municipal Code (Traffic Code) is hereby amended by amend-
ing Section 38.F to read as follows:

SEC. 38.F Penalty - Red, Green, White and Blue Zones.

Any person violating the provisions of Sections 38.A., 38.C.,
38.D. and 38.K of this Code with respect to the zones in-
dicated with a red, green, white or blue curb markings
shall be deemed guilty of an infraction and upon conviction

thereof shall be punished by a fine not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00).

APPROVED AS TO FORM:

APPROVED:

THOMAS M. O'CONNOR, CITY ATTORNEY THE POLICE COMMISSION

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

RESOLUTION NO. 290-76

DATE TO BE SET FOR HEARING OF POLICE OFFICER DONALD FORTE, TARAVAL POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Donald Forte, Taraval Police Station, was called; and

WHEREAS, Sergeant David P. Roche, Legal Office, stated that because of charges to be filed against another police officer, currently on disability and involved in the same incident, the Department is requesting that the setting of the date for this hearing be put over until Wednesday, August 4, 1976; therefore be it

RESOLVED, that because of the above-stated circumstances, the date for the setting of the disciplinary hearing before the Police Commission for Police Officer Donald Forte, Taraval Police Station, be, and the same is hereby set for Wednesday, August 4, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

RESOLUTION NO. 291-76

DATE TO BE SET FOR HEARING OF POLICE OFFICER VLADIMIR SHEGOLEFF, TARAVAL POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Vladimir Shegoleff, Taraval Police Station, was called; and

WHEREAS, Sergeant David P. Roche, Legal Office, stated that because of charges to be filed against another police officer, currently on disability and involved in the same incident, the Department is requesting that the setting of the date for this hearing be put over until Wednesday, August 4, 1976; therefore be it

RESOLVED, that because of the above-stated circumstances, the date for the setting of the disciplinary hearing before the Police Commission for Police Officer Vladimir Shegoleff, Taraval Police Station, be, and the same is hereby set for Wednesday, August 4, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

RESOLUTION NO. 292-76

HEARING OF POLICE OFFICER GEORGE MOISSANT, JR.,
TARAVAL POLICE STATION

WHEREAS, the hearing of Police Officer George Moissant Jr., Taraval Police Station, was called, it having been set for this date; and

WHEREAS, Mr. George Engler, attorney for Police Officer George Moissant, Jr., stated via telephone that since Officer Moissant is still undergoing medical treatment for his condition that a hearing at this time would be detrimental to his health; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer George Moissant, Jr., is set for Wednesday, August 4, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

531 COMMERCIAL STREET - KISMET RESTAURANT

a) At 531 Commercial Street, install a 50' white

zone, to extend from 46' - 96' east of Leidesdorff Street.

- b) At 531 Commercial Street, revoke existing 50' yellow zone.

1075 COLUMBUS AVENUE - COLUMBUS MOTOR INN

- a) At 1075 Columbus Avenue, install a 22' white zone, to extend from 13' - 35' north of Houston Street.

AYES: Commissioners Caini, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

REVOKED:

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 50 feet of yellow zones at various parts of the City at locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

RETIREMENT

Communication was received from the Retirement Board officially notifying the Police Commission of the retirement of Inspector Stamati G. Davanis Traffic Bureau, for service, effective June 9, 1976.

The communications was ordered filed.

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

RESOLUTION NO. 282-76

DORIAN MOJESKE AND HER ATTORNEY
CHARLES O. MORGAN, JR.

RESOLVED that the recommendation of the City Attorney for settlement of the claim of Dorian Mojeske in the sum of \$80,105.84 in Superior Court Action No. 583, 786 entitled, "Dorian Mojeske v. City and County of San Francisco, etal., as the result of

damages sustained, be, and the same is hereby approved.

Date of Incident: June 13, 1967

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

RESOLUTION NO. 283-76

ROGER FOREST

RESOLVED, that the recommendation of the City Attorney for settlement of Small Claims Court Action No. 322 574 in the sum of \$254.83 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 15, 1976

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

RESOLUTION NO. 284-76

OSCAR A. DUARTE AND HIS ATTORNEY
JACK L. BURNAM

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Oscar A. Duarte in the sum of \$1,000.00 in Superior Court Action No. 686-881 entitled, "Oscar A. Duarte vs. City and County of San Francisco, etal ., " as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 21, 1974

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioner Hall, Murphy

RESOLUTION NO. 285-76

CREATION OF NEW CLASSIFICATIONS AND JOB TITLES WITHIN
THE SAN FRANCISCO POLICE DEPARTMENT

WHEREAS, the Civil Service Commission at their regular meeting of June 21, 1976, unanimously voted for reclassification and re-titling of several positions within the San Francisco Police Department; and

WHEREAS, the Police Commission, pursuant to the provisions of Section 3.530 hereby approves the below listed positions within the Police Department, effective July 1, 1976, as follows:

Clement D. DeAmicis	0400 Deputy Chief	0445 Deputy Chief of Operations
Mortimer F. McInerney	0360 Chief of Inspectors	0455 Deputy Chief of Investigations
Mario Amoroso	0480 Director of Traffic	0465 Deputy Chief of Support Services
Donald L. Taylor	0470 Supervising Captain	0485 Supervising Captain of Patrol
Robert C. Seghy	0490 Captain of Traffic	0495 Supervising Captain of Traffic

therefore be it

RESOLVED, that the Police Commission declares that the above-stated positions, and the personnel listed, will continue in their duties under the new classifications which are to be exempt from the Civil Service provisions of the Charter, as provided for under section 3.530 of the Charter; and be it further

RESOLVED, that the present Deputy Chief of Police is now titled Deputy Chief of Operations; and be it further

RESOLVED, that the present Chief of Inspectors will continue as Deputy Chief of Investigations; and be it further

RESOLVED, that the present Director of Traffic will continue as Deputy Chief of Support Services; and be it further

RESOLVED, that the present Department Secretary will continue as Deputy Chief of Administration; and be it further

RESOLVED, that the present Supervising Captain of Districts will continue as Supervising Captain of Patrol; and be it further

RESOLVED, that the present Captain of Traffic will continue as Supervising Captain of Traffic.

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

PERMISSION TO FILE CIVIL SUIT - APPROVED

The request of Assistant Inspector Hans C. Anderson, Juvenile Bureau, for permission to file a civil suit for damages sustained in an automobile accident, be, and the same is hereby approved.

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

PERMISSION TO FILE CIVIL SUIT - APPROVED

The request of Assistant Inspector James T. Moore, Juvenile Bureau, for permission to file a civil suit for damages sustained in an automobile accident, be, and the same is hereby approved.

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

RESOLUTION NO. 286-76

AUTHORIZING ATTENDANCE OF INSPECTOR GEORGE R. HUEGLE, INTELLIGENCE UNIT, AT AN ORGANIZED CRIME INFORMANT DEVELOPMENT AND MAINTENANCE COURSE IN SACRAMENTO, CALIFORNIA, FROM JULY 26, 1976 TO JULY 30, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Inspector George R. Huegle, Intelligence Unit, be detailed to attend an Organized Crime Informant Development and Maintenance Course in Sacramento, California from July 26, 1976 to July 30, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspector George R. Huegle, Intelligence Unit, in a sum not to exceed \$176.00 in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

RESOLUTION NO. 287-76

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller, be, and he is

hereby requested to draw a Supplemental Appropriation in the amount of \$19,344.00 from the following appropriation number in the amount shown:

Appropriation No. 6.161.110.000.000 Permanent
Salaries-Uniform Force \$19,344.00

and credit it to the following appropriation in the amount indicated:

Appropriation No. 6.161.110.000.000 Permanent
Salaries - Uniform Force \$19,344.00

to reclassify one (1) position of 500 Inspector of Junior Traffic as one (1) Q50 Sergeant, effective July 1, 1976.

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

RESOLUTION NO. 288-76

APPROVING IMMEDIATE FILLING OF VACATED POSITION OF 0500 INSPECTOR OF JUNIOR TRAFFIC, SAN FRANCISCO POLICE DEPARTMENT.

RESOLVED, that pursuant to the provisions of Section 10, Subsection 7, of the Annual Appropriation Ordinance, the immediate filling in the Police Department of the position of John Johnson, 0500 Inspector of Junior Traffic, which was vacated June 22, 1976, requested by the appointing officer and recommended by the General Manager, Personnel, and the Mayor, be, and it is hereby approved.

AYES: Commissioners Ciani, Gallegos, Siggins

NOT VOTING: Commissioners Hall, Murphy

WEEKLY SICK REPORT

Chief Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending Monday, June 28, 1976 at 2400 hours as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	44	44
Daily average for the week disabled	<u>103</u>	<u>102</u>
TOTALS	147	146

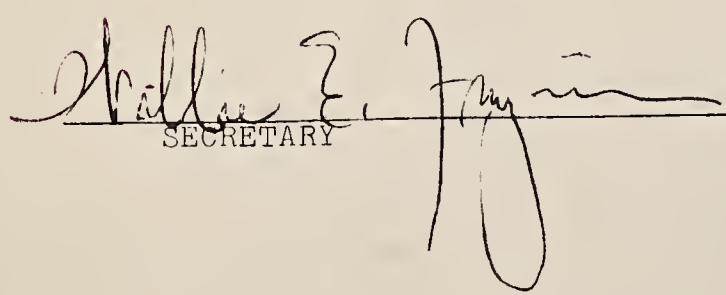
This is an increase of one member off duty daily from the previous week.

		PREVIOUS WEEK
Daily percentage for the week sick	2.45	2.44
Daily percentage for the week disabled	<u>6.05</u>	<u>5.93</u>
TOTALS	8.50	8.37
Disabled at start of week	112	
Started during the week	21	
Returned during the week	13	
Disabled at the end of week	120	
Net Gain or Loss	+8	
Sick and disabled for the week ending Saturday, July 12, 1975 at 2400 hours as follows:		Sick and disabled for the week ending Tuesday, June 1, 1976 at 2400 hours:
Daily average for the week sick	53	Daily average for the week sick 42
Daily average for the week disabled	<u>65</u>	Daily average for the week disabled <u>112</u>
TOTALS	118	154
Daily percentage for the week sick	2.86	Daily percentage for the week sick 2.32
Daily percentage for the week disabled	<u>3.63</u>	Daily percetnage for the week disabled <u>6.53</u>
TOTALS	6.49	<u>8.85</u>

The report was ordered filed.

- AYES: Commissioners Ciani, Gallegos, Siggins
- NOT VOTING: Commissioners Hall, Murphy

The Commission then adjourned its meeting.



SECRETARY

14 JULY 1976

SPECIAL MEETING

Minutes

The Police Commission of the City and County of San Francisco met in Room 505 (2), Hall of Justice, 850 Bryant Street, on Wednesday, July 14, 1976 at 1600 hours in Special Session.

PRESENT: Commissioners Ciani, Hall, Murphy, Gallegos

ABSENT: Commissioner Siggins

Commissioner Gallegos presiding.

DOCUMENTS

JUL 27 1976

The Special Meeting was conducted as follows:

SAN FRANCISCO
PUBLIC LIBRARY

Meet and Confer
Police Commission and S. F. P. O. A.

Present for P. O. A.

Several members appeared and left because the meeting was open to the public.

Present for Police Commission

Commissioner H. Gallegos
Commissioner J. Ciani
Commissioner J. Hall
Commissioner J. Murphy
Chief of Police C. Gain
Sergeant W. Frazier, Secretary

The meeting was called to order by Commissioner Gallegos who stated that the purpose of the Special Meeting scheduled for 1600 hours in Room 551, Hall of Justice, was called specifically to meet and confer with the San Francisco Police Officers' Association. "The S. F. P. O. A. officers were here prior to the calling of the meeting to order and chose not to participate in this meet and confer session. They left the building and we would like to note for the minutes that Sergeant Frazier, the Commission Secretary was requested to call Sergeant Crowley to return to the Commission meeting and to set forth or give specific reasons why he did not want to meet and confer with us. The minutes should also reflect that prior to the calling of the meeting to order that there was an informal discussion with some officers of the Police Officers' Association who were here, including President Sergeant Crowley. The discussion centered around the fact that this was to be a meet and confer session, and the presence of several members of the White Panther Party indicated only that this was a public meeting in accordance with the letter re our interpretation of meet and confer arrangements that was sent to the P. O. A. on May 5, 1976."

Commissioner Ciani: "That letter reflected the policy that we intended to establish and it stated specifically that our meet and confer sessions would be held with a quorum of the Commissioners and thus pursuant to the Brown Act it is required that they be noticed as public meetings so the public may be present though not permitted to participate. The S. F. P. O. A. representatives met several days ago with me (Commissioner Ciani), Commissioner Siggins, and the Mayor, and discussed the policy set forth in that letter. That was the only communication that we have had with the S. F. P. O. A., on this subject since that letter was addressed to them on May 5, 1976. At the time of the meeting they concluded to the Commissioners present, and to the Mayor, that the position set forth in the letter was well supported in the law, and that they would go along with it; it is difficult to understand how there could be any misunderstanding at this point. The Mayor at the time of that meeting pointed out that even though the recent City employee negotiations were carried out through a designated representative so that they might have been held without public meeting, they were noticed for public meeting notwithstanding, because of the sunshine policy that prevails in the City. I think that this fact came as a surprise to the P. O. A., but they acknowledged that those other city meetings have been public."

Commissioner Gallegos: "I might add also that prior to the convening of this meeting at the point where we were ready to convene I made a reference to the fact, that is to the P. O. A. members, that we did send a letter and were proceeding with this meeting in accordance with the information in that letter you just cited and I also indicated that we had not received a response to the letter of May 5, and we are, therefore, proceeding in accordance with our statements."

Commissioner Murphy: "I think also Mr. Chairman that we should mention the fact that the members of the public who were here understood that they would not participate in the discussion, but only were here as observers. The notice was posted on the bulletin board and that is the reason they knew of the meeting, and were, therefore, present."

Commissioner Ciani: "I think the record might also reflect the apparent misunderstanding about the agenda. Apparently it wasn't clear to some members of the P. O. A. that we were meeting only on the subject of the onlookers policy and not with reference to the draft of the Memorandum of Understanding which was sent to us yesterday by the P. O. A."

Commissioner Gallegos: "It might have been a misunderstanding on their part since we were mailed a copy of presumably their latest draft of their Memorandum of Understanding, but I notice that the Notice posted by Sergeant Frazier just refers to one item only and that is the meet and confer specifically on the "On Lookers" or Field Stop policy."

Sergeant Frazier: "Well, it didn't state specifically, it just said a meet and confer session."

Commissioner Gallegos: "Well, that might have given them some reason for assuming we would discuss other matters, so I think at the last meeting was it Sergeant Hebel who was

Sergeant Frazier: "It was John Ballentine, Treasurer I believe, and he stated that he knew that you would not be able to discuss the Memorandum that you obviously had never seen."

Chief Gain: "I would like to add, Mr. President, for the record also I would like to say that I feel that the P. O. A. was given an opportunity to meet and confer at a public hearing relative to the proposed guidelines for Field Stops and therefore I request that the matter on the Agenda of the Regular Meeting tonight continue and that the Commission entertain it and come to a conclusion and if there are P. O. A. members at that meeting to speak to the issue they could speak to it with the Police Commission coming to a determination tonight if they so choose on the adoption of the proposed guidelines."

Commissioner Gallegos: "How many witnesses do we have tonight or speakers on the Field Stop policy?"

Sergeant Frazier: "No one has signed up at this time."

Commissioner Gallegos: "One option would be to proceed with the Public Hearing relative to Proposed Procedures for Field Stops and then to act on it tonight or defer a week giving consideration to the possibility of maybe sending a letter to Sergeant Crowley and indicating we want to be sure that he didn't misunderstand our intention at this meeting which was essentially to deal with this one item and that we are again calling to his attention our previous correspondence of May 5, 1976, which set forth our procedure very clearly."

Commissioner Ciani: "Well, they will have an opportunity to testify in the meeting tonight and it doesn't vary from what our standing policy is as long as they are on notice that that's coming up tonight. Can we communicate with them now and ask them to appear there if they want to comment on this?"

Sergeant Frazier: "I have been trying to get through to them since the first call, and the line has been busy."

Commissioner Gallegos: "It seems to me there is a question that if they chose not to meet with the Commission, whether they understood or not, that in this situation they may have waived their right to having more involvement in this thing."

Commissioner Ciani: "I would go along with that. I think we might want to pay them the courtesy of making a call and be sure that they know that they have the opportunity to speak before the Commission, but I wouldn't hold it up."

Commissioner Hall: "I am not so sure, however, according to Sergeant Crowley's letter that refers to the sending of the Memorandum of Agreement, that he understood the Agenda because the bottom of his letter states

Commissioner Ciani: "That was discussed at the meeting last week."

Commissioner Hall: "I am not too sure whether he delivered them on time."

Chief Gain: "Last week I distinctly remember that Officer Jack Ballentine was there and the President of the Commission asked him if the P. O. A. would attend the meet and confer session on the proposed Field Stop Procedures, and he responded affirmatively and a tentative date was set for Tuesday, and it was changed later by mutual agreement as I understand it. Well, I propose one other thing, Mr. President that the Public Hearing take place tonight, and if the Commission decides to adopt the guidelines in whatever form, that it do so and then the P. O. A. could be quiered regarding whatever form we adopt those guidelines in, and if they would want further input into them. At least the Commission would be able to carry out its business and make the adoption and if they wanted to meet and discuss the guidelines tonight then that could be done."

Commissioner Murphy: "I agree with you. I think we have to go on. I do think, however, that if they do appear, or at a later date decide that they did misunderstand, then I think a letter from the Commission to them explaining what we had thought we had agreed to. However, until we know whether they are going to appear or not or know what they are going to object to, we cannot decide differently than we would with the evidence before us."

Commissioner Gallegos: Well, I think we could be in question of were we clear about our intent. I think we posted it legally, and at least we were ready to proceed with that, and I am certainly very clear on my discussion with Officer Ballentine at the last meeting.

Commissioner Murphy: "I was very surprised when I received the total proposal on the Memorandum of Agreement and really didn't have time to read it carefully or digest it at all because of the lateness of the time it came."

Commissioner Gallegos: "Well, as part of our discussion with them in the meet and confer sessions, I would think that we would call attention to the fact that we adjust procedures, and the Commission having discussed what we want to do with it, so that now ... well, what is the pleasure of the Commission? It seems to me that we should proceed with the Hearing and consider whether we are ready to make a decision on the basis of the testimony we receive. I am not too sure, for example, that Reverend Hall had a chance to mull it over and is satisfied that he concurs with the draft of those revisions that we have

Commissioner Hall: "Just one or two questions I want to ask and I would like to ask it again. I won't have to ask it any more because perhaps you have discussed it thoroughly."

Commissioner Gallegos: "Before we get into that Reverend Hall, we are dealing with the disposition of the P. O. A. nowwell, what is the pleasure of the Commission on it?"

Commissioner Ciani: "I think we should make the decision as to whether we act or not, and after we receive the testimony that will come before us tonight; then we should ask ourselves whether or not we are going to act on it or take it under submission for a later decision.

Commissioner Gallegos: "Certainly I think we, the Commission, should not be stopped from conducting its regular business because of the fact we did agree to meet and confer with the P. O. A., who chose not to sit in with us on that and, therefore, we are giving them an opportunity to proceed at the public meeting and I would suggest that perhaps if we do adopt this tonight or whenever, that we would always give them the courtesy of some comments."

Commissioner Murphy: "I would like to make a correction there, and that is, we gave them an opportunity to meet and confer at a meeting which must be public and we are now giving them another opportunity to meet at our regular meeting which, of course, is public also."

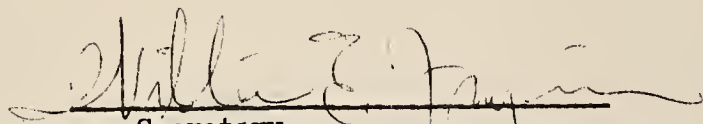
Commissioner Gallegos: "This was a Special Meeting only with the P.O.A."

Commissioner Murphy: "Special, yes, but it was a public meeting just the same."

Commissioner Gallegos: "Yes, okay, then that will be the sense of the action relative to this meeting. Since there is no other business before us on the special matter, then we will just adjourn the meeting at 1712 hours.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos
ABSENT: Commissioner Siggins

The Commission then adjourned its Special Meeting.


Secretary

14 JULY 1976

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Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 14, 1974 at 1730 hours, in regular session: DOCUMENTS

PRESENT: Commissioners Ciani, Hall, Murphy, Gallegos

JUL 27 1976

ABSENT: Commissioner Siggins

SAN FRANCISCO
PUBLIC LIBRARY

Commissioner Gallegos presiding.

The members of the Commission, having been furnished copies of the minutes of July 14, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos
NOT VOTING: Commissioner Siggins

PRESENTATION OF MEDAL OF VALOR AWARDS AND AWARD CERTIFICATES THAT ACCOMPANY THE MEDAL

Commissioner Ciani: "It was really a pleasure to preside at the Awards Committee meeting which was held about two weeks ago. I don't know if the public is aware of the standards that prevail for these awards. They are very high standards and involve some unusual acts of courage. Officers going outside of the line of duty to perform acts that are for the public good. The public should be aware that it is not within the line of duty that an officer puts his own safety in peril and all of these men who are receiving awards really deserve the praise and commendation of the public as well as this Commission. I want to congratulate them all personally because I know all of their personal stories having presided at that meeting. Unfortunately, there isn't time to read all of those reports to the public here."

Commissioner Gallegos: "Okay at this time we will present the Awards."

The following named members of the Police Department were presented Medal of Valor Awards by Police Commissioner Herman E. Gallegos:

Police Officer James S. Lomax	Silver Star
Police Officer Thomas A. Arnold	Silver Star
Police Officer Bob C. Davis (Resigned)	Bronze Star
Police Officer Daniel G. Marr	Bronze Medal
Police Officer James F. Heffernan	Bronze Medal
Police Officer John E. Tursi	One Bronze Medal and One Star
Police Officer Waldo H. Jackson	Bronze Medal
Police Officer Walter L. Pinoksy	Bronze Medal
Police Officer Patrick J. White	Bronze Medal
Police Officer Allan C. Duncan	Bronze Medal
Sergeant David R. Winn	Bronze Medal
Police Officer William S. Taylor	Bronze Medal

At the end of the awards presentation Commissioner Gallegos stated the following:

"I should have commented before we presented the Awards, that the Award Certificate that accompanies the Medal in addition to citing the name of the officer does indicate, 'Whereas, the Committee has adjudged that this particular officer did manifest outstanding bravery above and beyond that expected in the line of duty and it gives a date that he did at great personal risk of life to himself and with full knowledge of the danger involved, accomplish his objective by terminating the criminal career of person(s) who, while at large, had engaged in criminal activity inimical to the public welfare and safety of the inhabitants of the City and County of San Francisco;' and it certifies the statement of approval by the Chief and the Commission. So the members who receive this award are to be congratulated as are the members of their families. We really appreciate the fact that you came tonight and honored us by receiving this Award. It certainly is a great credit to the Department, and we are very proud of you."

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, Members of the Commission, I would like to comment upon three things tonight. First of all, we received at last, and the Commission has copies of the City Attorney's Opinion in regard to the Office of Citizen Complaints and as directed by the Commission, we have made numbers of copies of the Opinion which are available now to the public and anyone here who may want copies. Secondly, we have given copies to the Commission of our crime summary for the month of June, 1976, which reflects a slight increase of 2.5% in serious crime in June as compared to May. So this year to date we have a 31% increase over the same period last year. We will endeavor of course to the extent that we can to impact favorably upon the crime rate. It is a product of capability of the police, given resources to do what they can. Thirdly, I would like to report to the Commission that the Civil Service Commission has informed us that they will not rehear the matter of the Director of Community Relations as the Commission will recall at the meeting of 21 June by a two to two tie vote, the Civil Service Commission denied the request that the position of Director of Community Relations be exempt from Civil Service. We addressed a letter to the Commission asking them to re-hear that matter, and in a letter dated July 9, 1976, by the Secretary to the Commission, and they stated that they would not rehear the matter that, therefore, their decision of June 21st is final, and I would report this to the Commission tonight. That concludes my report, Mr. President."

Commissioner Gallegos: "Thank you, on the matter reported to us by the Chief that the Civil Service Commission will not re-hear our request, the Charter, Section 3.530 regarding the composition of the Department and the responsibility of the Commission does provide for the Commission to go to the Board of Supervisors directly, regarding this request. It seems to me to be appropriate to consider our doing so. Is there any comment on this?"

Commissioner Murphy: "Yes, I would think we must, because we feel it very important that this reclassification be made and the position created and we have to at least exhaust all the remedies that we have and hope the Board of Supervisors act favorably upon it."

Commissioner Gallegos: "This would have to be then a request from this Commission to the Board of Supervisors, directly, as much as the Civil Service Commission refused to re-hear it."

Commissioner Ciani: "I would make a motion that if we need a resolution to present to the Board of Supervisors that the appropriate Resolution be prepared indicating that we desire to seek our own reconsideration of this before the Board of Supervisors, which is appropriate under Section 3.530."

Commissioner Gallegos: "Is there a second to the motion?"

Commissioner Hall: "Second."

Commissioner Gallegos: "Question? All those in favor?"

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

Commissioner Gallegos: A motion has just been passed in which the Commission will send a resolution on the request to the Board of Supervisors asking them to consider this request regarding the Police Community Relations Officer.

TRANSFER OF JITNEY BUS PERMIT - APPROVED

The matter of the transfer of the right to operate a jitney bus by the following named person was called, it having been advertised in the official newspaper in accordance with the provisions of ordinance applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate, a jitney bus, to the within - named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFEE</u>	<u>NO. OF PERMITS</u>
Pete G. Sans 426 Sweeney Street San Francisco, Calif.	Minnie O. Aaron 258 Franciscan Drive Daly City, Calif.	1

Route: Mission Street - Ferry to Sickles Avenue

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

PUBLIC HEARING RELATIVE TO THE SAN FRANCISCO POLICE DEPARTMENT PROPOSED PROCEDURES FOR FIELD STOPS - CONTINUED FROM JUNE 16, 1976.

Commissioner Gallegos: "Has a representative from the Police Officers' Association requested to speak on this item?"

Captain Sully: "Not to my knowledge."

Commissioner Gallegos: "Well, we would invite their participation if they so choose."

Sergeant Frazier: "P. O. A. members, according to the cards, have not indicated a desire to speak."

Commissioner Gallegos: "The Commission has before it the recommended revised policy statement on the rights of onlookers at the scene of a field interrogation or arrest and it is this matter that the Commission will hear again this evening, for consideration and before we make a decision so will you call the first speaker Sergeant?"

The speakers, all "Pro" appeared in the following order:

Mr. Ron Landberg
Mr. Amitai Schwartz
Ms. Mary Martensen & Mr. Larry Weissman
Ms. Celine Gracia
Yvonne S. Golden
Police Officer Will Battle, representing the Officers for Justice
Mr. Henry Wilson
Mr. Richard Higginson (Mr. Wayne Hartman waived his right to speak)

At the conclusion Chief Gain made the following comments:

Chief Gain: "Mr. President at this time I would like to, if I may, comment. First of all, I would like to speak to the matter of police opposition. It was mentioned by a speaker that there might be some. I would submit this that generalizing, policemen sometimes some of them, do not like the idea of restrictive procedures, restrictive guidelines, because then policing, what we find historically, and necessarily, is that we are implementing rules and regulations that seem to be negative at times and seem to restrict conduct. So some times there is a general resistance to that. And then, of course, when we have a situation where it is a new phenomenon within the San Francisco Police Department where community groups and police administration have together worked out guidelines it might result in some misunderstanding among police personnel, some resistance perhaps, because candidly as I understand the situation, there has been among some policemen, at least, some opposition if that be the right word, or at least, concern about the White Panther Party, or about the Police Incidents Group and these are the very groups of course with which we related principally to bring about the guidelines. So hence some reason for police opposition and I am not saying all policemen by any means. To this point I would request that if it is the pleasure of the Commission, to adopt these procedures that the effective date of implementation be about three weeks hence, specifically, the fourth of August so that we can have sufficient time to discuss the procedures and guidelines within the police department. We have some 1700 members. As we know, there will be a need for education, for training, for discussion as to the meaning and application of those guidelines. And that, of course, is what is going to be taking place in the community also. So I would say if it is your pleasure to adopt, make the implementation effective date the fourth of August.

Lastly, if I may, I would like to comment, I think the process that was been undertaken here between the community groups, representatives and the police department was the healthiest thing that could have taken place for the citizens of San Francisco and for the Police Department, because we did have long discussions and I feel that they were, in fact, very productive and I would hope as has been voiced emphatically by the White Panther Party, the Police Incidents Group and others, that we can bring about the most fruitful and productive viable relationships as is possible between the Community and the Police Department. This is a beginning, I think, and a real meaningful way to do it. And I here, in turn, would like to thank the Community members and others who did meet and have shown such a good attitude toward supporting good police work and emphatically toward supporting the Police Department."

Mr. Ron Landberg, White Panther Party: "We think the overwhelming number of rank and file policemen will be able to understand what needs are incorporated in these guidelines. We think it is a small number, but a significant number that we need guidelines for. Beyond that I would say that the White Panther Party attempted twice to get together with the Police Officers Association direct and other community organizations as well because we do not consider and never have, that this is an antagonistic proposal. We consider this to be supportive of honest law enforcement in San Francisco."

Commissioner Gallegos: "Thank you, it is the pleasure of the Commission to want to take action on this, this evening and I am ready to entertain a motion if there is one."

Commissioner Hall: "I would like to make a comment prior to making that motion. I am grateful for the people who participated in this process and I am especially grateful to Chief Gain for allowing this and making himself available to the Community for this type of participation. And I want to make a motion that we approve it, but I also want to make a special plea to the people who participated, inasmuch as it's your program and you have to make it so, and the Chief will see to it that the police will not abuse it, this witnessing, and I plead with you that you not abuse it, the witnessing, so that the police will not feel that they are constantly being watched by you in every effort they make to police the community. And I hope there will be no abuse on either side. I move that we accept the proposal."

Commissioner Murphy: "Seconded".

RESOLUTION NO. 303-76

AMENDMENT TO SAN FRANCISCO POLICE DEPARTMENT'S PATROL OFFICERS' MANUAL, SECTION P-11-32, ADDING NEW SECTION XI ENTITLED, "RIGHTS OF ONLOOKERS AT FIELD INTERROGATION OR ARREST" - APPROVED.

RESOLVED, that effective at 0001 hours, August 4, 1976, the following amending to the San Francisco Police Department's Patrol Officers' Manual, Section P-11-32, adding new Section XI entitled, "Rights of Onlookers at Field Interrogation or Arrest" be, and the same is hereby approved.

XI. Rights of Onlookers at the Scene of Field Interrogations or Arrests.

A. Policy

1. It is the policy of this Department that when persons are detained, stopped or arrested in public areas, persons not involved in the conduct for which the person is stopped may remain in the vicinity of the stop as an onlooker, subject to the safety of the person stopped and the member, and to the provisions of law, e.g., Penal Code Section 148. In stop and arrest situations onlookers should be able to hear conversation between the suspect and member when circumstances permit.
2. The policy and procedures contained herein do not relate to protection of a crime scene; that subject is addressed in the investigation section of the Manual.

B. Procedures

1. A person remaining in the vicinity of a stop shall not be subject to arrest for violation of Penal Code Section 148, nor shall such person be subject to a "move-on" order where the conduct is of a non-interfering nature, i.e., the person stands and walks in the proximity of the stop or detention and observes and overhears the activity of the suspect and member, and there is no interference with the member's duties.
2. As an alternative to an arrest, members may only order an onlooker to "move-on" if there is probable cause to arrest for violation of the law (e.g., Penal Code Section 148, blocking a roadway, or with others, blocking a sidewalk to the extent that vehicle traffic or pedestrian traffic is impeded). The onlooker shall not, however, be ordered to move any further distance than necessary to end a violation. Where the onlooker in these circumstances, by physical presence and conduct, in fact interferes with the stop, the onlooker may be subject to arrest for a violation of the law (E.G., Penal Code Section 148 or 404.6) provided the elements of a violation exist.
3. In stop or arrest situations where the attending circumstances are peaceful and sufficiently quiet, members shall allow onlookers to approach within hearing distance provided the number and conduct of the person(s) detained and/or the onlookers are such that the control of the situation by the members can be maintained without jeopardy to the safety of persons present. In circumstances where there is a specific, articulable need for confidential conversation for the purpose of police interrogation, onlookers can be ordered to move to a distance where there is no longer a potential for interference with the member's duties.

- a. The word "number" as used in these procedures has reference to whether there is a small or large crowd of onlookers; the larger the crowd is, of course, the more the potential need for crowd control. The word "conduct" has reference to whether the actions of the onlookers are permissible under application law (e.g., Penal Code Section 148).
 - b. It is the intent of the foregoing procedure that onlookers shall be permitted to overhear conversations when it is reasonable to do, taking into consideration the safety of the members, the person(s) detained and the onlookers, and the accomplishment of the members' duties.
4. Onlookers shall not be prohibited from making a short, direct inquiry as to whether the member or person stopped wishes a witness to the stop and the name of the person stopped, nor shall the person stopped be prohibited from giving a short, direct response if they so choose, provided that the number and conduct of the person(s) detained and/or the onlookers are such that the control of the situation by the member(s) can be maintained without jeopardy to the safety of the persons present.
 5. If the person(s) stopped or onlooker(s) by words or actions attempts to incite others to assist person(s) stopped to escape or calls upon others to attack the member, the person(s) stopped may be immediately removed from the scene and the offender is subject to arrest.
 6. Speech alone, even though crude and vulgar, is not in itself probable cause for arrest or detention unless the speech directly threatens the safety of the member or other persons. Therefore, the person uttering the words is not subject to an order to move on, or arrest.
 7. If an onlooker is a witness to the activity for which the suspect is detained, the member may request the name, address and telephone number of the onlooker. The onlooker may refuse to disclose such information in the same manner as any other witness.

C. Application of Procedures

1. Members need not account to onlookers at the scene of an incident as regards their compliance or non-compliance with the procedures set forth herein. Onlookers at the scene of an incident who believe that there is non-compliance by members may make inquiry of appropriate supervisory personnel, may file a complaint with such personnel, or file a complaint with the Department's internal investigative unit.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

REQUESTING THE POLICE COMMISSION TO ADOPT A RESOLUTION APPROVING THE
CONFLICT OF INTEREST CODE FOR THE SAN FRANCISCO POLICE DEPARTMENT -
CONTINUED FROM THE MEETING OF JULY 7, 1976.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

65 - 29TH STREET - VENETIAN RESTAURANT

- a) Revoke existing 30' yellow zone.

400 NORTH POINT STREET - STATE BELT RAILROAD

- a) At 400 North Point Street install an 80' red zone, to extend from 132' to 212' west of Mason Street.

290 - 295 LOUISBURG STREET - MUNI RAILWAY

- a) At 290 Louisburg Street install a 15' red zone, to extend from 14'-29' east of Mt. Vernon Avenue.
- b) At 295 Louisburg Street install a 15' red zone to extend from 14' - 29' east of Mt. Vernon Avenue.

605 EDNA STREET - DRAPERY TRADE COMPANY

- a) At 605 Edna Street install a 22' green zone, to extend from 27' - 49' north of Monterey.

200 HOLLOWAY AVENUE - PILGRIM BAPTIST CHURCH

- a) At 200 Holloway Avenue install a 22' white zone to extend from 14' - 36' south of Brighton Avenue.

1800 SUTTER STREET - D. P. W.

- a) At 1800 Sutter Street install a 24' red zone, to extend from 12' west to 12' east of Buchanan Street.

1700 POST STREET - D. P. W.

- a) At 1700 Post Street install a 24' red zone, to extend from 12' west to 12' east of Buchanan Street.

370 - THIRD STREET - PACIFIC TELEPHONE & TELEGRAPH CO.

Continued to August 4, 1976.

1485 BAYSHORE BLVD. - M. FISHER & SON

- a) At 1485 Bayshore Blvd., revoke existing 22' yellow zone.
- b) At 1485 Bayshore Blvd., install a 22' green zone, to extend from 304' - 326' south of Fitzgerald Avenue.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 52 feet of green zones at various parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

RETIREMENT

Communication received from the Retirement Board officially notifying the Police Commission of the retirement of Lieutenant Jerald W. O'Brien, Personnel and Training, for industrial disability, effective July 2, 1976.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

RESOLUTION NO. 293-76

ROBERT J. JAFFE AND HIS ATTORNEY STEPHEN AIRIAN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Robert J. Jaffe in the sum of \$990.00 in Superior Court Action No. 684-489 entitled "Robert J. Jaffe vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 18, 1974

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

RESOLUTION NO. 294-76

SALVADOR REYES AND FARMERS INSURANCE GROUP

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of Salvador Reyes and Farmers Insurance Group, against the City and County of San Francisco in the sum of \$549.67 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: February 11, 1967

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

RESOLUTION NO. 295-76

ROBERT J. GRAY, JR., AND ELIZABETH RICHARDSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert J. Gray, Jr., and Elizabeth Richardson against the City and County of San Francisco in the sum of \$165.04 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: February 27, 1976

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

RESOLUTION NO. 296-76

MARY MARTIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Martin against the City and County of San Francisco in the sum of \$53.59 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: April 6, 1976

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

RESOLUTION NO. 297-76

RUSSELL A. SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Russell A. Smith against the City and County of

San Francisco in the sum of \$107.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 29, 1975

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

RESOLUTION NO. 298-76

JULIA WALSH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julia Walsh against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1976

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

RESOLUTION NO. 299-76

WANG YO HWA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wang Yo Hwa against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 7, 1976

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

RESOLUTION NO. 300-76

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program; said expenses having been approved by the Chief of Police, be, and the same are hereby approved:

Inspector Thomas A. Magnani	)	\$160.00	(Protective Service
Pawnshop Detail	)		( Techniques Course in
			(Sacramento, Cali-
Inspector William F. Musante	)	\$159.82	(fornia, from June 19
Pawnshop Detail	)		( to 24, 1976, inclusive.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

RESOLUTION NO. 301-76

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program; said expenses having been approved by the Chief of Police, be, and the same are hereby approved.

Inspector R. Panelli }
Intelligence Unit } \$176.00

{ Criminal Intelligence
{ Commander's Course in
{ Sacramento, California,
{ from June 14 to 18,
{ 1976, inclusive.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

RESOLUTION NO. 302-76

REQUEST TO TRANSFER ALLOTTED FUNDS

RESOLVED, that the Controller be and he is hereby requested to transfer \$2,118.89 from allotted funds in Appropriation 5.161.110.000.000 (Permanent Salaries - Uniform Force) to allotted funds in Appropriation 5.161.120.019.000 (Differential Pay - Uniform Force), and \$300.00 to reserve funds to provide additional funds to cover pending payrolls and salary adjustment the case of which is still pending litigation.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

WEEKLY SICK REPORT

Chief Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, July 6, 1976 at 2400 hours as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week, sick	34	44
Daily average for the week, disabled	108	103
TOTALS	142	147

This is a decrease of five (5) members off duty daily from the previous week.

Daily percentage for the week, sick	1.86	2.45
Daily percentage for the week, disabled	6.32	6.05
TOTALS	8.18	8.50

Disabled at start of week	116
Started during the week	16
Returned during the week	21
Disabled at the end of week	111
Net Gain or Loss	-5

Sick and disabled for week ending
Saturday, July 19, 1975 at 2400 hours:

Daily average for the week, sick	54
Daily average for the week, disabled	72
TOTALS	126
Daily percentage for the week, sick	2.87
Daily percentage for the week, disabled	3.98
TOTALS	6.85

Sick and disabled for week ending
Saturday, June 7, 1976 at 2400 hrs:

Daily average for week, sick	53
Daily average for week, disabled	109
TOTAL	162
Daily percentage for the week, sick	2.95
Daily percentage for the week, disabled	6.28
	9.23

The report was ordered filed.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

The Commission then adjourned its meeting.


SECRETARY

AUG 3 1976

21 JULY 1976

REGULAR MEETING

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Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 21, 1976 at 1730 hours, in regular session:

PRESENT: Commissioners Ciani, Hall, Murphy, Gallegos

ABSENT: Commissioner Siggins

Commissioner Gallegos presiding.

The members of the Commission, having been furnished copies of the minutes of July 14, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain stated that he did not have a report for the Commission this week.

TRANSFER OF TAXICAB PERMITS - APPROVED

The matter of the transfers of the right to operate taxicabs by the following-named persons were called, they having been advertised in the official newspaper in accordance with the provisions of ordinance applying thereto. The transferors and transferees appeared in person and were not represented by councils. The Commission approved the transfer of whatever rights, titles or interests that the within-named transferors might have to operate taxicabs to the within-named transferees; said approvals contingent upon the transferees filing with the Police Commission the appropriate bonds and/or insurance policies as provided by the Police Code:

<u>TRANSFERORS</u>	<u>TRANSFEREES</u>	<u>NO. OF PERMITS</u>
Marvin L. Abraham 2033 Harrison Street Petaluma, California	Robert D. Greenberg 2481 Fleetwood Drive San Bruno, California	1
Harry J. Allen 200 Posada Del Sol Novato, California	Timothy L. Laster 60 Rollingwood Drive San Rafael, California	1

George G. Gano	Kin Keung Lee	1
337 Winfield Street	3146 Lynde Street	
San Francisco, Calif.	Oakland, Calif.	

Frederick Wahlstrom	James Daniels	1
65 Avila Street	421 Del Monte Avenue	
San Francisco, Calif.	South San Francisco, Calif.	

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

REQUEST FOR POLICE COMMISSION RESOLUTION EXPRESSING
SUPPORT OF APPLICATION FOR CALIFORNIA COUNCIL ON
CRIMINAL JUSTICE PLANNING GRANT.: "HIGH CRIME TARGET-
ING - DATA COLLECTION, ANALYSIS AND UTILIZATION."

Chief Gain: "Mr. President, members of the Commission, we are requesting tonight that you approve and express support for the California Council on Criminal Justice Planning Grant. What it amounts to is that it is a Federally Funded Grant that has been approved by the Mayor's Criminal Justice Council and the stage that we are in now is to hopefully get favorable reaction from the Commission then we will go to the Board of Supervisors and they will pass a Resolution accepting the Grant. It provides for \$41,000 in Federal money and the local match is \$2,278 and then the State's match is \$2,277 and it is about an eight month grant. In a word, the purpose of the grant is to enable us to establish a good crime analysis function. There will be a study first as to what crime analysis capability we have now and the development of a good model within the Hall of Justice in our crime analysis division and then in each of the District Stations. As you know we have for several months now have tried more and more to develop a better capability to analyze crime and turn out the reports on the quantity of crime, but it is a very rudimentary thing that we are doing, so we want to develop a good model so we will have a good analysis of crime for the Commission, for police uses on deployment of personnel and also to get to whomever wants, the citizens, agencies, the Criminal Justice System, and then of course, particularly now, the citizens who will be involved in the citizens safety project that will be implemented in the near future. Dr. Michael O'Neill, sitting here will be the Project Director. He is a criminologist and is a specialist in data collection, analysis and systems design and he would be the one along with another criminologist who would be staff help on the project and a professor of police administration who would be a part time person on the project also. I asked Dr. O'Neill to come here tonight to answer questions you might have in relation to the grant."

Commissioner Ciani: "May I ask, how was Dr. O'Neill selected for this position? Were applications received, or anything of that nature?"

Chief Gain: "No, Dr. O'Neill, Professor Raymond Galvin and Dr. Smith are persons who are experts in Criminal Justice Systems, in particular areas and has acquired a knowledge of the Police Department and have provided unpaid time at various times in the past. And as we looked at various things in the department, what became manifest was a need for a Crime Analysis function and as that idea developed, we generated the plan and we felt it was appropriate to have Dr. O'Neill involved in it, so it is not a Grant thing that went out for a bid."

Commissioner Murphy: "What, if any, relationship would this have to that \$300,000 dollars that we are supposed to get for aide to neighborhood groups to assist in crime prevention?"

Chief Gain: "Well, there is no direct relationship. The Citizen Safety Project is one now that has been approved by the Board of Supervisors and is in the process of implementation and it is separate from this. The person's who will be involved in that project, the citizens and coordinators will be the beneficiaries of information that we collect."

Commissioner Murphy: "Fine, then I have one other question I would like to ask, you say Professor, from where and Criminologist, from where?"

Chief Gain: "There is a Professor Raymond Galvin who is now in Sacramento, California, he formerly was Professor at the Police Administration School at the University of Missouri and Dr. Smith is still at the University of Missouri."

Commissioner Ciani: "Is this for the preparation of the Grant Application?"

Chief Gain: "Yes, it is."

Commissioner Gallegos: "Would the Department be applying \$2,200 dollars as matching to this?"

Chief Gain: "Yes."

Commissioner Murphy: "This comes out of our Budget?"

Chief Gain: "Yes."

Commissioner Gallegos: "Is that in cash or in kind?"

Chief Gain: "It's cash. It will come out of probably our overtime funds."

Captain Sully: "We have some grant funds in our - held over from our 75/76 Budget."

Commissioner Gallegos: "Does this have to go to the Board of Supervisors for any thing?"

Chief Gain: "After your approval, it goes to the Finance Committee and it has to obtain their approval and then it goes to the full Board. It's the Board of Supervisors who actually passes a Resolution to accept the Grant and the Federal Funds and approve the local match."

Commissioner Gallegos: "Chief, could you maybe give us some additional rationale for needs so that we can communicate that to the Board of Supervisors as to it's importance?"

Chief Gain: "Yes. A letter has been prepared which we thought we would have tonight and the clearing house of the Mayor's Criminal Justice Council has prepared a letter explaining in more depth the purpose and that would be accomplished in the whole thing. Because of the process, that letter went from the Mayor's Criminal Justice Council directly to the Mayor's Office from the Mayor's Office to the Board of Supervisors, we haven't tied this thing together yet which we have to do and hopefully get it before the Board of Supervisors next week."

Commissioner Gallegos: "There is a motion on the floor to adopt a Resolution expressing support of the application for California Council on Criminal Justice Planning Grant, is there any discussion? All those in favor say aye."

RESOLUTION NO.318-76

APPROVING AND EXPRESSING SUPPORT FOR THE MAYOR'S CRIMINAL JUSTICE COUNCIL TO APPLY FOR AND ACCEPT FUNDS FROM THE CALIFORNIA COUNCIL ON CRIMINAL JUSTICE PLANNING FOR A PROJECT ENTITLED: "HIGH CRIME TARGETING - DATA COLLECTION, ANALYSIS AND UTILIZATION."

RESOLVED, that the Police Commission does hereby approve and express support for the Mayor's Criminal Justice Council to apply for and accept a grant of funds from the California Council of Criminal Justice, as follows:

\$45,555 For the purpose of designing and implementing a model crime analysis system for San Francisco as the first part of a concentrated High Crime Impact Program and will supply the Police Department with the data base necessary to carry out strategic efforts to prevent and control impactable crime.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

Commissioner Gallegos: "May we have a progress report on this Chief?"

Chief Gain: "Yes sir."

REQUESTING THE POLICE COMMISSION TO ADOPT A RESOLUTION APPROVING THE CONFLICT OF INTEREST CODE FOR THE SAN FRANCISCO POLICE DEPARTMENT - CONTINUED FROM THE MEETING OF JULY 14, 1976 - CONTINUED OFF CALENDAR.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 319-76

HEARING OF POLICE OFFICER MICHAEL H. GALLAGHER, PARK POLICE STATION

WHEREAS, the hearing of Police Officer Michael H. Gallagher, Park Police Station, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, Attorney at Law, who is representing Police Officer Michael H. Gallagher, has requested a continuance in this matter; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael H. Gallagher is set for Wednesday, August 25, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 320-76

POLICE OFFICER ROGER D. KEENAN, NORTHERN POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Roger D. Keenan, as follows:

SPECIFICATION NO. 1

Discharging a Firearm at an Occupied Building.
(Violation of Section 2.13 of the Rules and

Procedures of the San Francisco
Police Department.)

by Joseph M. Flynn, Captain of Police, Commanding
Officer of Northern Police Station; therefore be
it

RESOLVED, that the hearing before the Police
Commission on charges filed against Police Officer Roger
D. Keenan, Northern Police Station, be, and the same is
hereby set for Wednesday, August 4, 1976 at 5:30 p.m.,
in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 321-76

POLICE OFFICER MICHAEL R. MORRIS, NORTHERN POLICE STATION

WHEREAS, charges of violating the Rules and
Procedures of the San Francisco Police Department were
filed against Police Officer Michael R. Morris, Northern
Police Station, as follows:

SPECIFICATION NO. 1

Failure to make a Report. (Violation
of Section 2.61 of the Rules and Pro-
cedures of the San Francisco Police
Department.)

by Joseph M. Flynn, Captain of Police, Commanding Officer
of Northern Police Station; therefore be it

RESOLVED, that the hearing before the Police
Commission on charges filed against Police Officer Michael
R. Morris, Northern Police Station, be, and the same is
hereby set for Wednesday, August 4, 1976 at 5:30 p.m.,
in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 322-76

POLICE OFFICER PETER R. MALONEY, SOUTHERN POLICE STATION

WHEREAS, charges of violating the Rules and
Procedures of the San Francisco Police Department were
filed against Police Officer Peter R. Maloney, as follows:

SPECIFICATION NO. 1

Excessive Force. (Violation of Section

2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to make a report of a Criminal Matter. (Violation of Section 2.61 of the Rules and Procedures of the San Francisco Police Department.)

by George Eimil, Captain of Police, Commanding Officer of Southern Police Station; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Peter R. Maloney, Southern Police Station, be, and the same is hereby set for Wednesday, August 18, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 323-76

POLICE OFFICER LLOYD A. RITTER, PARK POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Lloyd A. Ritter, as follows:

SPECIFICATION NO. 1

Failure to maintain weight requirements (Violation of Section 2.36.2 of the Rules and Procedures of the San Francisco Police Department.)

by John A. Mahoney, Captain of Police, Commanding Officer of Park Police Station; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Lloyd A. Ritter, Park Police Station, be, and the same is hereby set for Wednesday, August 4, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 324-76

POLICE OFFICER RANDY E. FALCONE, NORTHERN POLICE STATION.

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Randy E. Falcone, as follows:

SPECIFICATION NO. 1

Commission of Grand Theft. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Commission of the Crime of Conspiracy. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Commission of the Crime of Auto Theft. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Joseph M. Flynn, Captain of Police, Commanding Officer of Northern Police Station; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Randy E. Falcone, Northern Police Station, be, and the same is hereby set for Wednesday, August 11, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 325-76

POLICE OFFICER THOMAS GUERRINI, CENTRAL POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Thomas Guerrini, as follows:

SPECIFICATION NO. 1

Excessive Force. (Violation of Section

2.13 of the Rules and Procedures
of the San Francisco Police De-
partment.)

by James M. Curran, Captain of Police, Commanding
Officer of Central Police Station; therefore be it

RESOLVED, that the hearing before the
Police Commission on charges filed against Police
Officer Thomas Guerrini, Central Police Station, be,
and the same is hereby set for Wednesday, September
1, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 326-76

PARKING CONTROLMAN DOUGLAS ELLIOTT, TRAFFIC BUREAU

WHEREAS, charges of violating the Rules and
Procedures of the San Francisco Police Department were
filed against Parking Controlman Douglas Elliott, as
follows:

SPECIFICATION NO. 1

Neglect of Duty. (Violation of
Section 2.13 of the Rules and
Procedures of the San Francisco
Police Department.)

SPECIFICATION NO. 2

Conduct Which Reflects Discredit
Upon the Department. (Violation
of Section 2.13 of the Rules and
Procedures of the San Francisco
Police Department.)

by Robert C. Seghy, Captain of Police, Commanding
Officer of Traffic; therefore be it

RESOLVED, that the hearing before the Police
Commission on charges filed against Parking Control-
man Douglas Elliott, Traffic Bureau, be, and the same
is hereby set for Wednesday, August 4, 1976 at 5:30
p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

OLD BUSINESS

At the Police Commission meeting of July 14, 1976, the Commission requested a resolution regarding the position of Director, Police Community Relations, be prepared for adoption at today's meeting and forwarded to the Board of Supervisors for action pursuant to Section 3.530 of the Charter of the City and County of San Francisco as follows:

RESOLUTION NO. 304-76

REQUESTING THE BOARD OF SUPERVISORS TO APPROVE THE POSITION OF THE DIRECTOR OF POLICE COMMUNITY RELATIONS AS EXEMPT FROM THE CIVIL SERVICE PROVISIONS OF THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO.

WHEREAS, pursuant to Section 3.530 of the Charter of the City and County of San Francisco, the Police Commission in Resolution 78-75, dated February 19, 1975, created the title of Director, Police Community Relations and declared it as exempt from the Civil Service provisions of said Charter; and

WHEREAS, on Wednesday, February 11, 1976, the Police Commission passed a Supplemental Appropriation request No. 60-76, to provide funds for the position of Director of Community Relations effective March 3, 1976, at a salary equivalent to that of Captain of Police; and

WHEREAS, said resolution was forwarded to the Civil Service Commission who entertained it on their Agenda at several of their meetings; and

WHEREAS, during said meetings a requested City Attorney's opinion was received, the contents of which revealed that the position of Director of Police Community Relations could be declared exempt from the Civil Service provisions of the Charter, and that the incumbent was legally entitled to be continued in said position as Director, Police Community Relations; and

WHEREAS, at the Civil Service Commission meeting of June 21, 1976, the Commission voted on the matter and by a two to two tie vote (one Commissioner was absent), failed to approve the Director of Police Community Relations as a position exempt from the Civil Service provisions of the Charter; and

WHEREAS, the Police Department in a letter from the Chief of Police to the President of the Civil Service Commission asked the Commission for a re-hearing to which they responded in a letter from

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their Secretary, dated July 9, 1976, stating that they would not re-hear the matter; and

WHEREAS, pursuant to Section 3.530 of the Charter of the City and County of San Francisco which states in part, "If the Civil Service Commission disapproves any such exemption, the Board of Supervisors may approve such exemption by a majority vote of the members thereof;" therefore be it

RESOLVED, that pursuant to Section 3.530, the Police Commission does hereby request the Honorable Board of Supervisors to approve the position of the Director of Police Community Relations and by Resolution declare it as exempt from the Civil Service provisions of the Charter of the City and County of San Francisco.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Gallegos

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

4124 GEARY BOULEVARD - LOCAL SCOOP

- a) At 4124 Geary Boulevard, revoke existing 25' yellow zone.
- b) At 4124 Geary Boulevard, install a 25' white zone, to extend east of the west property line.

275 SPEAR STREET - STATE DEPARTMENT OF TRANSPORTATION

- a) At 275 Spear Street, install a 38' yellow zone, to extend from 69' - 107' north of Folsom Street - (Remove meters SPEAR-245 and 247.)

373-379 BRANNAN STREET - HARRIS & BISSELL

- a) Revoke yellow zone, 65'.

527 STEVENSON STREET - WING ON COMPANY, INC.

- a) At 527 Stevenson Street, revoke existing 42' yellow zone.
- b) At 527 Stevenson Street, install a 40' yellow zone, to extend from 25' - 65' west of east property line.

1500 PACIFIC AVENUE - KUNG FU GYM

- a) Revoke yellow zone, 24'.

1275 FOLSOM STREET - RITEWAY HALUSKA

- a) At 1275 Folsom Street, install a 22' green zone, to extend from 112' - 134' east of 9th Street.

607 FRONT STREET - MCARTHUR PARK RESTAURANT

- a) Revoke 50' white zone.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 206 feet of white and yellow zones at various parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 305-76

LINDA M. DELGADO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda M. Delgado against the City and County of San Francisco in the sum of \$192.00 as the result of damages sustained,

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be, and the same is hereby approved.

Date of Incident: September 8, 1973

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 306-76

HSIANG -YUAN TSOU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hsiang-Yuan Tsou against the City and County of San Francisco in the sum of \$22.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 5, 1976

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 307-76

BARBARA IVANTCHO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara Ivantcho against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1976

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 308-76

PATRICIA LEHRMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia Lehrman against the City and County of San Francisco in the sum of \$246.81 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: May 11, 1976

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 309-76

ELEANOR L. METZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eleanor L. Metz against the City and County of San Francisco in the sum of \$21.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1976

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 310-76

BOB MIEHE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bob Miehe against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1976

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 311-76

SAINT ROSE ACADEMY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Saint Rose Academy against the City and County of San Francisco in the sum of \$250.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 15, 1976

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 312-76

KELVIN ALONZA SANDERS AND
CHARLSIE LEE SANDERS

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of Kelvin Alonza Sanders and Charles Lee Sanders against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 4, 1976

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 313-76

JOHN D. WOLF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John D. Wolf against the City and County of San Francisco in the sum of \$269.52 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: April 14, 1976

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 314-76

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - APPROVED

WHEREAS, Police Officer Michael H. Gallagher, Park Police Station, was suspended without pay effective at 0001 hours, Friday, March 26, 1976, pending hearing of the charges before the Police Commission; and

WHEREAS, Police Officer Michael H. Gallagher, has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Michael H. Gallagher, Park Police Station, be placed on an extended Leave of Absence Without Pay at his request for a period of ninety days commencing July 26, 1976 until his hearing is held before the Police Commission.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 315-76

REQUEST TO TRANSFER ALLOTTED FUNDS

RESOLVED, that the Controller be, and he is hereby requested to transfer \$2,500 from allotted funds in Appropriation No. 6.161.959.000.000 (Peace Officers' Training Fund) to allotted funds in Appropriation No. 6.161.959.111.000 (Peace Officers' Training Fund - Extra Duty) to cover anticipated payrolls.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 316-76

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY SUPERVISING CAPTAIN OF PATROL DONALD L. TAYLOR, CAPTAIN JOHN A. MCSWEENEY, INTERNAL AFFAIRS BUREAU, AND LIEUTENANT RICHARD D. KLAPP, PERSONNEL AND TRAINING, TO ATTEND A FIELD MANAGEMENT TRAINING AUDIT IN LOS ANGELES, CALIFORNIA, ON JUNE 8, 1976 AND JUNE 9, 1976.

WHEREAS, on the recommendation of the Chief of Police, Supervising Captain of Patrol Donald L. Taylor, Captain John A. McSweeney, Internal Affairs Bureau, and Lieutenant Richard D. Klapp, Personnel and Training, received permission from the Police Commission to attend a Field Management Training Audit in Los Angeles, California, on June 8, 1976 and June 9, 1976; and

WHEREAS, Supervising Captain of Patrol Donald L. Taylor, Captain John A. McSweeney, and Lieutenant Richard D. Klapp, did travel to Los Angeles, California, to attend said audit on June 8, 1976 and June 9, 1976; therefore be it

RESOLVED, that expenses in the amount of \$100.00 each incurred by Supervising Captain of Patrol Donald L. Taylor, Captain John A. McSweeney, Internal Affairs Bureau, and Lieutenant Richard D. Klapp, Personnel and Training, while attending the audit are hereby approved. Expenses will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 317-76

AUTHORIZING ATTENDANCE OF INSPECTOR JAMES B. JONES, INTELLIGENCE UNIT, AT A SPECIALIZED SURVEILLANCE EQUIPMENT COURSE IN SACRAMENTO, CALIFORNIA, FROM AUGUST 2, 1976 TO AUGUST 6, 1976, INCLUSIVE.

RESOLVED: that the recommendation of the Chief of Police that Inspector James B. Jones, Intelligence Unit, be detailed to attend a Specialized Surveillance Equipment Course in Sacramento, California, from August 2, 1976 to August 6, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspector James B. Jones, Intelligence Unit, in a sum not to exceed \$174.20 in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos,

NOT VOTING: Commissioner Siggins

REQUEST OF SERGEANT FRANK KOVACH, POLICE RANGE, FOR PERMISSION TO ATTEND A FIREARMS INSTRUCTORS' COURSE, IN PLEASANTON, CALIFORNIA, FROM AUGUST 16, 1976 TO AUGUST 20, 1976, INCLUSIVE - WITHDRAWN AT THE REQUEST OF CHARLES R. GAIN, CHIEF OF POLICE.

WEEKLY SICK REPORT

Chief Gain Submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, July 13, 1976, at 2400 hours as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	40	34
Daily average for the week disabled	<u>104</u>	<u>108</u>
TOTALS	144	142
This is an increase of two (2) members off duty daily from the previous week.		
Daily percentage for the week sick	2.23	1.86
Daily percentage for the week disabled	<u>6.10</u>	<u>6.32</u>
TOTALS	8.32	8.18

Disabled at start of week	113
Started during the week	16
Returned during the week	11
Disabled at the end of week	118
Net Gain or Loss	+5

Sick and Disabled for
the week ending Saturday,
July 26, 1975 at 2400
hours:

Sick and Disabled
for the week ending
Monday, June 14, 1976
at 2400 hours:

Daily average for
the week sick 60

Daily average
for the week 48
sick

Daily average for
the week disabled 66

Daily average
for the week 108
disabled

TOTALS 126

156

Daily percentage
for the week sick 3.20

Daily percentage
for the week sick 2.67

Daily percentage
for the week
disabled 3.65

Daily percentage
for the week
disabled 6.27

TOTALS 6.85

8.94

The report was ordered filed.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

ASSISTANT INSPECTOR LEONARD W. DETERS - IN MEMORIAM

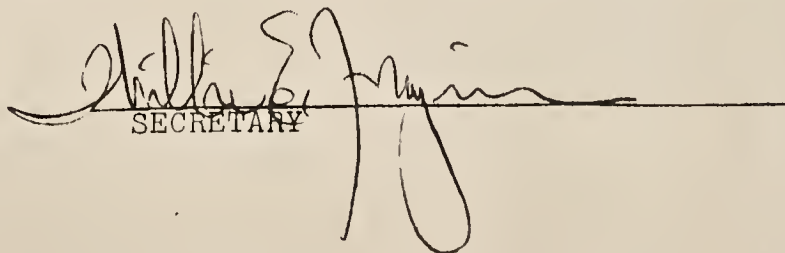
A communication was received from Chief of Police Charles R. Gain officially notifying the Police Commission of the death of Assistant Inspector Leonard W. Deters, Burglary Detail, who died on Thursday, July 15, 1976.

The communication was ordered filed.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING; Commissioner Siggins

The Commission then adjourned its meeting in memory of Assistant Inspector Leonard W. Deters.


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AUG 16 1976

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28 JULY 1976

REGULAR MEETING

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=Minutes

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 28, 1976 at 1730 hours, in regular session:

PRESENT: Commissioners Ciani, Hall, Murphy, Gallegos

ABSENT: Commissioner Siggins

Commissioner Gallegos presiding.

The members of the Commission, having been furnished copies of the minutes of July 21, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Hall, Murphy, Gallegos

NOT VOTING: Commissioner Siggins

AMENDING PART III, CHAPTER VIII OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) BY ADDING THERETO SECTIONS 1180.1 PROVIDING FOR TEMPORARY SIGHTSEEING PERMITS, BY ADDING THERETO SECTION 1180.2 PROVIDING FOR APPLICATIONS FOR TEMPORARY SIGHTSEEING PERMITS, AND BY ADDING THERETO SECTION 1180.13 PROVIDING FOR LICENSE FEE.

Commissioner Gallegos: "I think it would be helpful to have Sergeant Roche, our Legal Counsel, to give us some framework by which we may consider this Amendment."

Sergeant David Roche: "I think the Commission is aware that Greyline, who provides the only sightseeing tours in San Francisco, has been on strike for the past almost three (3) months now. We have outstanding 43 sightseeing bus permits, Greyline holds all 43 permits and they go on strike and there is absolutely no sightseeing bus service for San Francisco whatsoever. Since tourism is now San Francisco's largest industry, it has taken over shipping and publishing as our largest industry, it became an almost intolerable situation for the Hotels and for the Travel Agencies and Tourist Agencies to allow the situation to continue. So at the request of Commissioner Siggins and Commissioner Ciani, we drew up an ordinance for approval by the Board of Supervisors, an Emergency Ordinance, to allow this Commission to issue temporary sightseeing bus permits for a period not to exceed 180 days and they would however, be renewable after a public hearing for an additional 180 days. The

question presented to the Commission tonight, this by the way passed the Board of Supervisors Monday, eleven to 0, very little debate on it whatsoever, as of 4:30 p.m., this afternoon, however the Mayor has not signed it. It is on his desk, but he has not signed it. Because this is going to be emergency-type permits, the legislation is written broadly so that not only can bus operators request permits but Travel Agents who are willing to use PUC Certificated Buses, they may also request a permit. The issue before the Commission tonight is to set up some kind of criteria as to who should get these permits, what type of permits should be issued and what number of permits should be issued. I think you are going to find the general classification of the persons who address the Commission tonight will be the large bus operators, such as Associated, Falcon, Franciscan, perhaps Mark IV, several persons who operate Mini-Buses that seat 15 or less passengers the van-type are interested as are some of the receptive Travel Agencies. The Travel Agencies that meet groups coming into San Francisco to provide services for these groups as well as the Greyline drivers who have been on strike for the last several months and who are experienced in this matter and they too are requesting that they be considered for the issuance of the permits. Since there is no one in the Department, because Greyline provides the tours, we really have not paid that much attention to the Sightseeing industry in San Francisco. We have no one that you could rely on in the Department who is such an expert on sightseeing that we could come up and give you a definite set of criteria. So we have people here whom we hope will represent all points of view and will present to you what they think should be the criteria and then it will be up to you to set up the criteria."

Commissioner Gallegos: "Sergeant Roche, am I correct in that until the Mayor does sign it we really don't have any authority to issue any permits?"

Sergeant Roche: "We can't issue them until the Mayor does sign it. The Ordinance will be effective immediately upon the Mayor's signature on it."

Commissioner Gallegos: "Now you mentioned that there are three issues that we should address ourselves to; First of all, who should get the permits, what type of permits and then the third item? I missed that."

Sergeant Roche: "The number you should issue. You have 43 outstanding. I think perhaps we should take some testimony as to the volume of sightseeing business in San Francisco and as to whether the 43 outstanding permits have in the past been able to fulfill the needs of the tourist or whether we actually should have more permits, and if you are going to issue permits to individuals or to Mini-Buses where they are only going to hold 15 people should you issue more permits than you would if you are only going to issue to the full size busses."

Commissioner Hall: "This is what you have in mind when you say what 'Type,' companies?"

Sergeant Roche: "Companies, operating companies who own their own busses to Mini-Bus, to a Receptive Travel Agencies, or to individuals who are experienced in the business."

Commissioner Gallegos: "You were describing the various categories of persons who probably would be wanting to speak to the criteria. I suspect there may be some persons who want to speak against the Commission issuing any permits and if so, we would like to hear them also."

Commissioner Ciani: "When we were discussing this with the Supervisors Sub-Committee, I thought that there was an amendment on the floor that would have included in paragraph (d) page two, something to the effect that the period would be '180 days or until it was demonstrated that the existing permit holders had fully resumed service.' Was that amendment adopted?"

Sergeant Roche: "No, that amendment was not adopted. If you remember, the rationale was that the only restriction other than what's in the Ordinance is that the original permit would not exceed 180 days. You can issue them with any restrictions you wish."

Commissioner Ciani: "Right, but that amendment would have imposed a condition subsequent, so that they would have been terminated short of whatever granting period if there was a resumption of regular service."

Sergeant Roche: "That amendment did not pass."

Commissioner Gallegos: "Can we have by a show of hands those persons who at this point, think they would like to make a statement before the Commission this evening just so we may get some notion as to numbers? May we hear first from the persons who feel that we should not issue any permits at all, how many are there in opposition? Just two? Alright, why don't we have you two gentlemen speak first. Sergeant, maybe as they approach you can take their names and then they can introduce themselves and we will try to give every speaker a reasonable amount of time, but obviously, brevity in the interest of time would certainly be appreciated. Since we don't have a microphone we will ask each speaker to speak loud enough so we can all hear, please."

The first two speakers were in opposition to the issuance of the proposed Temporary Sightseeing Permits:

Mr. Thomas Rosch, Law Firm of McCutcheon, Doyle, Brown and Anderson representing The Greylines, Inc:

He stated that he was not totally in opposition to the issuing of the permits if the enabling legislation was better written with tighter provisions for eliminating the temporary permits once a declaration was made by The Greyline, Inc., that the strike was over.

Mr. Martin Levy, President of Associated Limousine Operators of San Francisco:

He stated that there were literally hundreds of sightseeing companies operating in San Francisco and that he has heard no outcry by tourist of not being satisfied with the present service in San Francisco. He further stated that the tourist season was almost all over and that the present legitimate Tour Service operators were adequate to take care of all the tourist needs.

Mr. Charlie Alhadeff, Tour Guide Expert:

He stated that he did not think additional permits should be issued because he is a Greyline Driver and that there are adequate Sightseeing vehicles to take care of current tourist needs. He stated that the Commission would be opening up a pandora's box if more sightseeing permits were issued.

The following-named speakers were for the issuance of the proposed Temporary Sightseeing Permits and in some cases submitted supporting documents and criteria for their issuance:

Mr. Joseph Flood, Vice President,
San Francisco Hosts

Mr. Eldon M. Johnson, Attorney for
Sequoia Stages, Falcon Charter
Service and Franciscan Lines.

Mr. Arnold S. Gridley, President
Cable Car Advertiser, Cable
Car Charters.

Mr. Kenneth P. Gray,
Golden Gate Tour and
Convention Service
875 Montgomery Street

Mr. Richard E. Twining, President
Scenic Hyway Tours, Inc.

Mr. Victor Manessa

Mr. Kenneth Marson

Mr. Mackin T. Rosen, Attorney for
Holiday Tours, Inc.

Mr. Floyd Wright,
Greyline Employee

Mr. Eugene Yen

Mr. Anthoney Cerkel,
Sightseeing Specialists

Mr. Nicholas Zamucen
S. S. Bus Guide

Mr. Taylor,
S. S. Bus Guide

Mr. Paul Diller,
Holiday Tours

Mr. Serguis M. Boikan,
O'Connor Limousine Service

Mr. John Wait
Driver

Commissioner Gallegos: "Thank you. As there are no more speakers I think at this time the Commission will take this matter under submission. Obviously we are not aware if the Mayor has signed this and I think we've raised more questions than we've answered this evening, but the Commission will certainly give it it's immediate attention. As we are required to in light of the fact that we have an emergency ordinance before us, so we can not make any decision tonight."

Commissioner Ciani: "I would suggest for anyone who has additional views or wants to put their views in writing and submit them to us, it might be more helpful. I don't know whether we will have time to transcribe all of this testimony or rely on our notes, so, if anyone wants to submit anything in writing in the next few days, I think they should do it."

Commissioner Gallegos: "Yes, I think there were many pertinent questions that were raised and I think it helped us to focus on it, so if you have any additional comments, please feel free to give them to us. Next Wednesday, at our regular Commission Meeting, we will attempt to give you some view as to where we are at on the matter."

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "I have three items Mr. President, one is to comment on that Powell Street thing that has been in the Newspaper. There has been two other queries, one in each of the papers, so I thought I would give you a little history of that and then, what in fact, are we doing in the Hallidie Plaza, in the Powell Street area. As you know you received a copy of a letter written by Mr. Harper of Tro Harper Books to Supervisor Nelder and Supervisor Nelder responded and gave the Commission a copy. That's what resulted in the Editorial in the Examiner. Mr. Harper had written to me in a letter dated 1 July, and con-

sequently seeing that letter, I gave it to the Deputy Chief, and a member of Central Station visited Mr. Harper and talked about the problems. So, in fact, we have been providing police services there and we have increased it based upon the need to do so. So that basically what we are talking about is the newspaper activity that has basically been going on. The District Captain Curran in Central, has communicated with Mr. Harper, that we do have additional policemen assigned there on the beat. So we are providing service to the people there in that area in regards to the drunks and so on. On the 10th of August I will be meeting with the Market Street Development Project persons and reviewing the problems with them. So we have ongoing communications and we are providing police service and I wanted you to know that, because presumably, you read the editorials."

Commissioner Murphy: "One article, it wasn't an editorial I don't believe, it was just an article in the paper, suggested that one of the reasons that Powell Street was having so much difficulty was because Market Street was being policed so well, the drunks, the campers and so forth as described by Mr. Harper, were leaving Market Street and going toward Union Square.

Chief Gain: "As a matter of fact, in June we had officers assigned to Market Street and also in June and continuing into July we have had officers from our Crimes Specific Task Force working in the Union Square area and down in the Hallidie Plaza area. So we have officers in both areas. Now there can be a displacement, what we are basically dealing with in that area a whole area is a transitional thing where great numbers of people have come and it's just very difficult to police it. As a matter of fact, we are putting so much manpower into prostitution problems there and have been all this year and with these type problems we've diverted substantial numbers of officers who should be impacting upon serious crimes. But that is the nature of the business. If you like, Deputy Chief DeAmicis can give you some statistics as far as arrest and so on if you would like that."

Deputy Chief DeAmicis: "I would like to give you the area that is somewhat broader than the Chief has brought out and the area that we have really been concentrating on is the area between Geary and Market, Mason and Grant and including Hallidie Plaza and Union Square. To give you some idea, we really didn't start on this when the editorials came out but we have been working really very busily there since the second week in February. I, this afternoon, got some statistics that were just made, arrest just made by a Crimes Specific Task Squad. We don't have the ability to just yank them out of the system to punch out and have them come right out without a hand check. Now since the first week in February, without arrest made by Central Station, there were 120 felony arrest made in that area and 384 misdemeanor arrest made in that area. Now the misdemeanors break down to drunks, beggars, and prostitution that really is the way they break it down primarily. The felonies

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break down to illegal possession of drugs, felony thefts and some possession of concealed weapons. Those seem to be the ones that float to the surface. There are other arrest being made of which I could include into the system, for example, there were 13 pick pocket arrest made at the Cable Car turnaround and within the first two blocks. One of the problems that we are having is that some of the merchants want us to take into custody very strange looking people who may be carrying knapsacks on their backs, appearing barefooted, or loitering, but not really violating any law and we have absolutely no intention of doing that. And that has been pointed out to these people. There has been some spill over from Market Street, however, there has been an entire displacement because of Yerbe Buena and there is nothing doing on the south side of Market any more. So that is really where the action is and that is really where the officers have been and these figures that I have given you are very conservative figures. At least a quarter more of the 504 that I have reported to you have been made since the second week in February."

Commissioner Murphy: "Do the beggars, drunks and prostitutes make bail?"

Deputy Chief DeAmicis: "In most cases with the prostitution arrest, yes, they make bail or they are O R'ed at the time. In most cases the drunk arrest don't make bail but once they are sober they are released or they do appear before a Magistrate in some cases. In the begging cases they do appear before a judge. The felonies are rebooked or reviewed for rebooking the next day and many of them are handled on a misdemeanor basis or dismissed."

Commissioner Gallegos: "I am concerned about the displacement issue and the fact that sooner or later the people who have been arrested will finally go to other places where perhaps at the moment we don't have the same number of officers present and where the merchants are probably not likely to be as vocal and organized to complain, but sooner or later they will be exasperated to the point they will start again. So really we are dealing with social problems as well, as the police initially are going to tell that what we've really solved. We may deal with this for now, I have no doubt about it, but I am sure it is going to come up again with people in another neighborhood who will say keep the drunks out of our neighborhood."

Chief Gain: "We are fighting brush fires. We are not going to clear that problem. We are talking about a deteriorated area much of what is happening in our cities, and we are putting a lot of manpower into it and we are going to need to lessen that manpower effort which we will have to do eventually. It is a social problem that is not within our control."

Commissioner Murphy: "Have you talked at all with Supervisor Nelder about why we don't think that an office in Hallidie Plaza would be useful."

Chief Gain: "Supervisor Nelder was given a copy of our position paper that we discussed. He has read that and he has characterized the position that I took in the papers as being ridiculous. I am convinced that what is going on here is a political game where he evidently brought the idea up in 1972 or whatever it was and he is just keeping it up. I am convinced that the device that he used here, you see he received this letter dated the 2nd of July, he answered it on the 20th and you received a copy of it and he stated in his letter that he is giving a copy of it to the Commission, the District Attorney and the Press. That is what resulted in the editorial in the Examiner. He doesn't care about facts, he is dealing in political problems. The fact that that is the way it is, which doesn't surprise me, that is the way this City operates. No, I haven't talked to him because there is no purpose in talking, he would just keep it up, but our position is very sound on Hallidie Plaza. Where we need the policemen is where we have them. On the street where the problems are and doing that type of job. So we just go ahead and do a professional job and I have no intention of getting into political warfare with the Supervisor. He knows what the facts are. The style of this city is evidently as an object newcomer is that where there is a problem you put a policeman there or you establish a district station never mind the cost or the overall effect in the City or the impact on crime and that is the way it has been and we can't play that game."

Commissioner Hall: "I am concerned about the manner in which you receive these complaints. Do you get them first or do others get them and send them to you? I am concerned about them because it always keeps you in a bad light in the papers if somebody takes a letter or a complaint that has been sent to them first and then they expect you to answer in the news media. I get a little bit disgusted with that."

Chief Gain: "Well, this particular one, what happened, I would speculate that as Supervisor Nelder stated he was sending this to the press, he did and it was shortly after this letter was dated that the article, the editorial was in the Examiner. And of course there was another article when the newspapers went out and interviewed people. So to me the proper way here would have been for the Supervisor to query us, "what are you doing in Hallidie Plaza?" Now he knew that we had policemen there, but if he used that device he wouldn't have a story. That is the name of the game and we are somewhat accustomed to that. But our judgment is sound, we don't need another police station, we will just keep up with these separately. And I am convinced because of the needs we have had and are going to have with the merchants in that area that they will understand what we are doing and why we are doing it."

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Commissioner Gallegos: "Chief, how are we doing on all of the arrest for prostitution convictions and the like?"

Chief Gain: "As for the arrests we are doing real well. We are still keeping up the effort with our Vice Squad and using only a minimum number now of uniform personnel because the problem has been abated and is under control to the extent that the great numbers of prostitutes who were in Union Square are not there now, they have spread out. But then that is an objective. So we are making substantial numbers of arrest. Now as far as the prosecutions, the policy of the District Attorney basically is that on a first charge of soliciting an act of prostitution the crime is reduced to disturbing the peace or a lewd act. Then on the second arrest and probation when probation is given if then about the third arrest the charge is made for the act of prostitution and usually what happens is a revocation hearing is held and probation is revoked. The graph that we have been looking at and I have just had it compiled, not many are going to jail. And I will say that was a long term solution. But it's turn-stile. We arrest them and they are right back out on the street again. Which is not good in so far as getting the message to the prostitutes that when they are going to be put away for awhile, which would be effective to have them go to some other city. So it is a chasing game is what it amounts to. As soon as we let up, if we let up, then we will get substantial numbers of prostitutes again in Union Square which is another area of concern.

Commissioner Gallegos: "We are not getting complaints like we were from the Hotel people?"

Chief Gain: "They are very happy. We are getting many commendatory letters from the Manager of the St. Francis and so on."

Commissioner Murphy: "I sure would like to see some of them for a change."

Chief Gain: "I just got one today, and it is the first one where he was very complimentary about the police which he should be, because given the effort we put into that we've gotten the results, but he's not yet too happy about the prosecutions. And I would have to say in that regard that the District Attorney has a phenomenal problem, shortage of manpower, the effectiveness of going to trial on the charge of prostitution if the prostitute ask for a jury trial, his experience of last year was in San Francisco was 21 jury trials and only four convictions. The jury acquitted the rest. So at least based on last year's experience juries will not convict. He doesn't have the prosecutive staff and so on. But that is the name of the game."

Commissioner Murphy: "Captain Bruneman, in charge of the Task Force, told me when I was out with them that he had arrested, the night before, 135 prostitutes."

Deputy Chief DeAmicis: "That sounds like a grand total over a period of time."

Chief Gain: "It sounds like a week or a weekend."

Commissioner Murphy: "Maybe it was a week, but of that 135 I think all but four (4) or five (5) were released almost immediately."

Chief Gain: "Yes they are, that is what's happening."

Commissioner Ciani: "How many decoys do you have operating in the manner that was set forth in that police report on Sunday?"

Chief Gain: "Right now, about four (4) women. Four (4) women decoys and of course ten (10) or more male decoys."

Commissioner Ciani: "How long have you had that many, is this an increase?"

Chief Gain: "We started about May with the women, around April or May with two (2), and then we increased it later on to four. June 3rd and 4th."

Commissioner Ciani: "Have you had any complaints about the allocation of personnel for that purpose or any compliments for doing that or any comments at all?"

Chief Gain: "No, not many complaints, there are numbers of people in San Francisco who commented to me personally with the futility of arrest in that area and are you doing anything about it and also stating that it's too bad that we have to utilize manpower for that type of a problem, prostitution, when you have other more serious crimes. But as far as letters, no. I am not getting any mail complaining about the utilization of personnel and so on."

Commissioner Murphy: "Of course isn't it true that it isn't all just prostitution that occurs but it is also robbery and other crimes?"

Chief Gain: "At times there are related crimes, but it is basically the problem of male and female prostitutes soliciting. That's basically the problem. We did a study and tried to keep tabs of related

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crimes like strongarm robbery and whatever to the extent that a lot of people would feel against outright prostitution. The reason we put the undercover female officers in there of course was that under the law we have to arrest as many customers, Johns so called, who solicit for acts as we do prostitutes who solicit for acts. That's one thing, the law requires that. Another thing is of course is that if you can dissuade the customer from going down and making themselves available in actually doing the soliciting, then perhaps we cut down on the problem too. But we are not really successful as we should be in arresting the male customers because we simply don't want to put that many female officers into the effort."

Commissioner Murphy: "We have heard nothing more from the officer who was suspended for refusing to go out on patrol with a female officer."

Chief Gain: "He is assigned to work with a female officer. So that problem is resolved."

Deputy Chief DeAmicis: "A report came in just yesterday stating whatever complaints he had had in the past he wasn't expert enough as an officer to really want to comment about them anymore. He has since worked with women and found no fault with working with women."

Chief Gain: "The second matter that I wanted to comment on was the Noise Abatement Unit and the Animal Control Unit. Mr. Robert Freese who is with this Noise Pollution Board or something of that nature, I can't think of the precise name right now, wrote a letter to Mayor Moscone, I am giving you a copy of that letter and also attached to that letter is a copy of the letter to day's date that he wrote to Mayor Moscone. And his letter to the Mayor of July 22, Commissioner Ciani asked me to comment upon this tonight, he says, in effect, that he is writing as a citizen and chairman of the noise, task force on noise control and encouraging the Mayor to use his effort so that we won't assign these units to the District Stations. I called Mr. Freese because I know him and I told him I was shocked at the letter because I didn't know anything about moving these units at all. What occurred was, the officers working in both of these units, through some rumors within the Department, through some comments made, felt that the units were going to be either disbanded or despecialized and put out into the District Stations and unfortunately rather than talking to the appropriate persons within the Police Department they talked to other persons and as a consequence these letters were generated. And when I talked to Mr. Freese, he then wrote the second letter clarifying the situation. So, as a matter of fact, then of course we are keeping the Noise Abatement Unit as a Specialized Unit and we are keeping the Animal Control Unit. Regarding the Noise Abatement Unit, it was assigned to the fifth floor to the Supervising Captain's Office. We have relocated

it in the Warrant's Section because there will be better control and so on, but we are maintaining it. In regard to the Animal Control Unit, it's being maintained by two officers, we are hopeful however, that when the City engages in a contract with another organization to take care of the matters of the SPCA had been taking care of it will obviate the need for us to take care of that task. The reason I understand they were assigned a long time back was the SPCA was not doing the job that it should, so we had to assign a policeman. Some one new who gets the contract will do that job adequately then of course we hope we can take our two officers and assign them to more meaningful crime related task."

Commissioner Murphy: "I haven't received this before, this original letter is just saying they don't want us to transfer those two officers, is that it?"

Chief Gain: "Right, that's all."

Commissioner Murphy: "Then on the 28th they write again to the Mayor, let's see this came to you and on the 28th the Mayor and then something came to Judy on the 22nd?"

Chief Gain: "Commissioner Ciani was given a copy, she is marked for a copy of the letter of July 22nd."

Commissioner Ciani: "Yes, to the Mayor and so I sent it back to say what's going on and then the Chief cleared it up and this letter explains the 28th letter which I hadn't yet seen explains that it's clarified."

Commissioner Hall: "There again why aren't these letters sent to you, why must they be sent in around about way to get to you?"

Commissioner Ciani: "They did go to the Chief?"

Commissioner Hall: "But they are addressed to the Mayor and they should have been addressed to the Chief. Why shouldn't they be addressed to the Chief?"

Chief Gain: "Here is what happened with it, and it is similar to the way things go here, as I say related, the officers involved in these activities, instead of going through the chain of command as it were, getting answers up until they had to get to me if they had to of course I talk but no one wants to talk with me in the Department, they went outside of the Department. That has been the style. Now in regard to all four officers, I have had them in my office and we have talked with them about the wisdom of politicizing

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actually to keep their jobs and so on. You see that has been the way things have worked in this Department. Now in regard to Mr. Freese, we know whyever, we have no problem whatever, when I talked to him I told him I was shocked, because I never have in fact received my copy if Commissioner Ciani had not sent a copy of her's to me, I never would have gotten one, I guess."

Commissioner Murphy: "You see this was sent from Freese to Judy and you and Thomas Mellon and Myron Tatarian and all of the Supervisors but not to Giggins or any of the rest of us?"

Commissioner Ciani: "I know him personally and we had previously discussed the Noise Control situation."

Chief Gain: "I am not faulting him for sending it to one of the Commissioners."

Commissioner Murphy: "I was saying I thought it was strange he sent it to only one Commissioner rather than to the Police Commission, but I didn't know you knew him personally."

Commissioner Ciani: "I know him personally and it was not an ommission of the rest, it was an addition of me."

Chief Gain: "Well, here is what he said, because I know him also, I told him I was shocked when I read this letter. I said why bother, you just pick up the phone, call me on the phone and ask me what's cooking? And so he said, 'Well, what happened was he received information from a very reliable person,' I know who that person was, and he said 'I felt that was a fact,' so he said this wasn't meant to be critical of you at all Chief, he says 'I just wanted to do what I could to keep that unit.' So I pointed out to you tonight that that was the case. I am just saying in regard to Mr. Freese, I thik this is again the way things have operated in this City."

Commissioner Ciani: "Well, I hope you straightened him out."

Commissioner Hall: "How can you correct this, how can you correct people constantly going over your head to somebody else before it gets to you and they all want you to keep the thing under control?"

Chief Gain: "I think by the time five years is over and every single subject in regard to which a letter can be directed to the Supervisors or whatever and we take it on a case by case basis, then we will solve it."

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Commissioner Murphy: "With respect to agenda items 6, 7, and 8, I would like to know what the content's of some of these Middle Management Courses that we are asked to pass on because I have been shocked at the testimony at a hearing recently when a Supervisory Officer said that when his men were in trouble or thought they were in trouble, they were told to go see their P.O.A. representative rather than handling it as any Supervisor should. I think the contents should include what good Supervisory practices are."

Chief Gain: "Some of these schools are excellent. The subject content is mandated by the State."

Commissioner Murphy: "I understand that, but if they don't have what good Supervision is and learn to exercise it then the Middle Management Courses are lacking too. I think this business of going outside channels without exhausting normal remedies for whatever purpose, is absolutely absurd and it should be taught if they don't know it, they won't know it by osmosis, especially if this has been the pattern for a long time."

Chief Gain: "I think it is a matter that probably most policemen know what should be done. A lot of them have been to schools, they know what the books say, they know what the Rules and Regulations say, but unless we designate some in-depth long term practices, then given a particular situation they don't think about it. So in a word what we are going to have to do is review the school content. We are going to have to keep re-enforcing it in the Department, the Chain of Command, not politicizing and proper relationships. It takes time, and it is working because I am getting very favorable feedback and I want to use some of the words of the feedback I am getting, but the word is out; don't try to pressure Gain politically because he will arbitrarily do something just to show you that you can't do that type of thing. That's not too bad you know. The last thing I want to comment on, do you have a copy of the letter in regard to, let's see, from Mike Hebel, termination of Police Officer Hood? I thought maybe we could discuss that. I asked Sergeant Roche in Legal to research this and to reaffirm actually what Legal had told me before and do you want to speak to it Sergeant?"

Sergeant Roche: "Sergeant Hebel, the Welfare Officer for the Association feels that the Chief does not have authority to terminate a probationary employee without a hearing before this Commission. Ever since I have been in the Department it has been always known that while you are on probation you can be terminated summarily. We have several opinions from the City Attorney in that matter which consistently stated in the police officer's probationary period if he is terminated he has no recourse for there is no appeal on it. So I addressed a Departmental Memo to the Chief just reaffirming that that is the Legal position. I will assume now the Association will attempt to take it to Superior Court."

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Chief Gain: "You did confer with the City Attorney?"

Sergeant Roche: "I did confer with Milt Mares of the City Attorney's Office on the matter and he just stated what he has said time and time again and that is in the Charter, during the probationary period you have no recourse."

Commissioner Murphy: "Have you talked to Hebel?"

Chief Gain: "No, this letter was written by Hebel to the Commission. I am making it a matter of discussion now I would request to the Commission that you respond to the Sergeant who is a representative of the FOA in this case and support the position that the Chief does have the authority during the probationary period to dismiss, that there is no recourse from this case to the Commission."

Commissioner Murphy: "And it has been substantiated by the City Attorney and other decisions?"

Chief Gain: "It is a matter of ...the law supports it also."

Commissioner Gallegos: "Do you need any action on that?"

Chief Gain: "Should that be by resolution?"

Sergeant Roche: "I think that you should just reply to Sergeant Hebel's letter stating that we have discussed the matter and reaffirm the position that the Chief does have the authority to dismiss during the probationary period."

Chief Gain: "That concludes my report."

Commissioner Gallegos: "Thank you, Chief."

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2221 FILBERT STREET - COW HOLLOW INN

- a) At 2221 Filbert Street, install an 18' white zone, to extend east of the west property line.

406 CLEMENT STREET - SAN ANDREAS RESTAURANT

- a) At 406 Clement Street, install a 22' white zone, to extend from 80' - 102' west of Fifth Avenue.

1734 LOMBARD STREET - STANDARD AUTO PARTS -
CONTINUED FOR TWO WEEKS

1001 - 14th STREET - MCKINLEY SCHOOL - WITHDRAWN
FROM CALENDAR.

AYES: Commissioners Ciani, Hall, Murphy,
Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 327-76

CALIFORNIA CASUALTY INDEMNITY
EXCHANGE.

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of the California Casualty Indemnity Exchange against the City and County of San Francisco in the sum of \$1,060.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: December 31, 1974

AYES: Commissioners Ciani, Hall, Murphy,
Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 328-76

JERRY JOE COOK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jerry Joe Cook against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 18, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Siggins

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RESOLUTION NO. 329-76

HOUSTON & ALL STATE
INSURANCE COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Houston and All State Insurance Company against the City and County of San Francisco in the sum of \$188.42 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: April 19, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 330-76

DARRYL A. NIKSARIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Darryl A. Niksarian against the City and County of San Francisco in the sum of \$22.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 5, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 331-76

THOMAS J. PHILLIPS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas J. Phillips against the City and County of San Francisco in the sum of \$12.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 27, 1976

AYES: Commissioners Ciani, Hall, Murphy
Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 332-76

REQUEST TO TRANSFER ALLOTTED FUNDS

RESOLVED, that the Controller be, and he is hereby requested to transfer \$210,000 from allotted funds to reserve funds in Appropriation No. 6.161.110.000.000 (Permanent Salaries-Uniformed Force) and \$181.37 from allotted funds to reserve funds in Appropriation No. 6.161.110.725.000 (Permanent Salaries-Airport) amounts earmarked for the 13.05% adjustment.

AYES: Commissioners Ciani, Hall, Murphy,
Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 333-76

POLICE NARCOTIC FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$5,000 charging same to Appropriation No. 6.161.890.050 as an advance on the Police Narcotic Fund for the month of August 1976.

AYES: Commissioners Ciani, Hall, Murphy,
Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 334-76

POLICE CONTINGENT FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$2,500 charging same to Appropriation No. 6.161.890.000 as an advance on the Police Contingent Fund for the month of August, 1976.

AYES: Commissioners Ciani, Hall, Murphy,
Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 335-76

AUTHORIZING ATTENDANCE OF LIEUTENANTS PATRICK H. RICHARDSON, MISSION POLICE STATION, DIARMUID J.

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PHILPOTT, INTELLIGENCE UNIT, AND JEAN R. KNIGHT,
RICHMOND POLICE STATION, AT A MIDDLE MANAGEMENT
TRAINING COURSE IN WATSONVILLE, CALIFORNIA, FROM
OCTOBER 30, 1976 TO NOVEMBER 12, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the
Chief of Police that Lieutenants Patrick H. Richardson,
Mission Police Station, Diarmuid J. Philpott, Intelli-
gence Unit, and Jean R. Knight, Richmond Police Sta-
tion, be detailed to attend a Middle Management Train-
ing Course in Watsonville, California from October 30,
1976 to November 12, 1976, inclusive, be, and the same
is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieuten-
ants Patrick H. Richardson, Mission Police Station,
Diarmuid J. Philpott, Intelligence Unit, and Jean R.
Knight, Richmond Police Station, in a sum not to ex-
ceed \$680.00 each in attending this course will be de-
frayed by the Police Department's Police Officers'
Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 336-76

AUTHORIZING ATTENDANCE OF LIEUTENANTS RICHARD L. MILLER,
BUREAU OF CRIMINAL INFORMATION, THOMAS I. STACK, RICH-
MOND POLICE STATION, AND JACK CIPPARONE, NORTHERN POLICE
STATION, AT A MIDDLE MANAGEMENT TRAINING COURSE AT HUM-
BOLDT STATE UNIVERSITY AT KELSEYVILLE, CALIFORNIA, FROM
NOVEMBER 28, 1976 TO DECEMBER 10, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the
Chief of Police that Lieutenants Richard L. Miller,
Bureau of Criminal Information, Thomas I. Stack, Rich-
mond Police Station, and Jack Cipparone, Northern
Police Station, be detailed to attend a Middle Manage-
ment Training Course at Humboldt State University in
Kelseyville, California, from November 28, 1976 to
December 10, 1976, inclusive, be, and the same is
hereby approved; and be it further

RESOLVED, that expenses incurred by Lieuten-
ants Richard L. Miller, Bureau of Criminal Information,
Thomas I. Stack, Richmond Police Station, and Jack
Cipparone, Northern Police Station, in a sum not to
exceed each in attending this course will be
defrayed by the Police Department's Police Officers'
Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 337-76

AUTHORIZING ATTENDANCE OF LIEUTENANTS MATEO GENNA, SOUTHEAST POLICE STATION, VICTOR MACIA, JUVENILE BUREAU, JACK MILLER, CENTRAL POLICE STATION, AND FRANK SURINA, PROPERTY CLERK, AT A MIDDLE MANAGEMENT TRAINING COURSE AT THE TRAINING ADMINISTRATIVE OFFICE OF THE CALIFORNIA HIGHWAY PATROL AT SACRAMENTO, CALIFORNIA, FROM SEPTEMBER 20, 1976 TO OCTOBER 6, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenants Mateo Genna, Southeast Police Station, Victor Macia, Juvenile Bureau, Jack Miller, Central Police Station, and Frank Surina, Property Clerk, be detailed to attend a Middle Management Training Course at the Training Administrative Office of the California Highway Patrol at Sacramento, California, from September 20, 1976 to October 6, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenants Mateo Genna, Southeast Police Station, Victor Macia, Juvenile Bureau, Jack Miller, Central Police Station, and Frank Surina, Property Clerk, in a sum not to exceed \$290.50 each in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Gallegos,

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 338-76

AUTHORIZING ATTENDANCE OF POLICE OFFICERS JOHN BALLENTINE AND RAYMOND HILVERT, BUREAU OF CRIMINAL INFORMATION, AT A CRIMINAL JUSTICE WORKSHOP ON THE MENTALLY ILL, AT LONG BEACH, CALIFORNIA, FROM AUGUST 25, 1976 TO AUGUST 27, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officers John Ballentine and Raymond Hilvert, Bureau of Criminal Information, be detailed to attend a Criminal Justice Workshop on the Mentally Ill at Long Beach, California, from August 25, 1976 to August 27, 1976, inclusive be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officers John Ballentine and Raymond Hilvert, Bureau of Criminal Information, in a sum not to exceed \$338.20 each in attending this Workshop will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 339-76

AUTHORIZING ATTENDANCE OF INSPECTOR RENZO R. PANELLI, INTELLIGENCE UNIT, AT AN ECONOMIC CRIME INVESTIGATION COURSE IN SACRAMENTO, CALIFORNIA, FROM SEPTEMBER 12, 1976 TO SEPTEMBER 24, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Inspector Renzo R. Panelli, Intelligence Unit, be detailed to attend an Economic Crime Investigation Course in Sacramento, California, from September 12, 1976 to September 24, 1976, inclusive be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspector Renzo R. Panelli, Intelligence Unit, in a sum not to exceed \$376.08 in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Gallegos

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 340-76

AUTHORIZING ATTENDANCE OF INSPECTOR JAMES PATRICK DEASY, BUREAU OF INSPECTORS, AT A CRIMINAL INTELLIGENCE DATA ANALYST COURSE IN SACRAMENTO, CALIFORNIA, FROM AUGUST 23, 1976 TO SEPTEMBER 3, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Inspector James Patrick Deasy, Bureau of Inspectors, be detailed to attend a Criminal Intelligence Data Analyst Course in Sacramento, California, from August 23, 1976 to September 3, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspector James Patrick Deasy, Bureau of Inspectors, in a sum not to exceed \$360.00 in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Gallegos

NOT VOTING: Commissioner Siggins

WEEKLY SICK REPORT

Chief Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, July 20, 1976: as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	45	40
Daily average for the week disabled	<u>108</u>	<u>104</u>
TOTALS	153	144

This is an increase of nine (9) members off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	2.52	2.23
Daily percentage for the week disabled	<u>6.33</u>	<u>6.10</u>
TOTALS	8.85	8.32

Disabled at start of week	104
Started during the week	18
Returned during the week	14
Disabled at the end of week	108
Net Gain or Loss	+4

Sick and Disabled for the week ending Saturday, August 2, 1975 at 2400 hours:

Daily average for the week sick	64
Daily average for the week disabled	<u>68</u>

TOTAL 132

Daily percentage for the week sick	3.42
Daily percentage for the week disabled	<u>3.68</u>

TOTAL 7.10

Sick and Disabled for the week ending Monday, June 21, 1976 at 2400 hours:

Daily average for the week sick	44
Daily average for the week disabled	<u>102</u>

TOTAL 146

Daily percentage for the week sick	2.44
Daily percentage for the week disabled	<u>5.93</u>

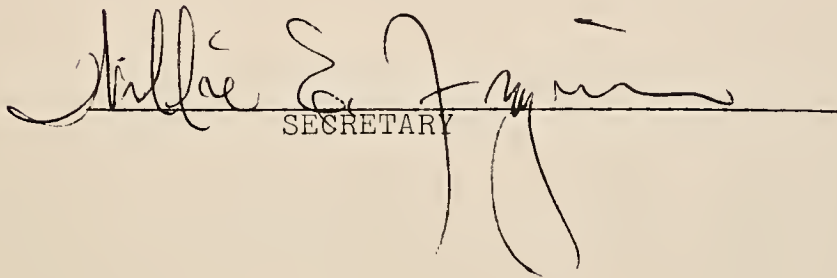
TOTAL 8.37

The report was ordered filed.

AYES: Commissioners Ciani, Hall, Murphy,
Gallegos

NOT VOTING: Commissioner Siggins

The Commission then adjourned its meeting.


SECRETARY

AUG 16 1976

4 AUGUST 1976REGULAR MEETINGSAN FRANCISCO
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Minutes
The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 4, 1976 at 1730 hours, in regular session:

PRESENT: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of July 28, 1976 too late for approval at this time, moves approval of said minutes over one week to August 11, 1976.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain stated that he had two things to report. The first item was a proposal by the Women's Jail Study Group which was submitted to the Commission for the Commission's perusal. This proposal is a recommendation for the adoption of Misdemeanor Citation revision. He then requested that the proposal be calendared for discussion at the next Police Commission meeting and subsequent to that be calendared for full public hearings.

The second topic of his report was the recently issued Grand Jury Report on the San Francisco Police Department. He advised the Commission that in accordance with the law he would have Police Department staff answer in detail the Grand Jury Report and submit it to the Commission for the Commission's approval and transmittal within one week. He then mentioned one aspect of the report which stated that in regard to the Jury's Report about a slowdown, the Department has no evidence of a slowdown. He further pointed out that they stated under the category of morale that there has been an increase in crime this year compared to last year to which he admitted there has been and the Jury related that to the alleged slowdown. The Chief stated that he felt confident that no police officer regardless of feeling or morale would fail to make an arrest for a felony. The Chief related also that he did telephone the Chairman of the Police Committee of the Grand Jury and stated to him that he thought that the balance of the report was injective and to him (the Chief) it connoted a real sincere effort on the part of the Grand Jury Committee to be fair and impartial in their reporting.

OLD BUSINESS

Commissioner Ciani summarized the status of an item discussed on last week's Commission Calendar regarding Temporary Sightseeing Permits, for interested members of the audience. She stated that the proposed ordinance had been vetoed by the Mayor but was re-introduced by the Board of Supervisors who overrode the Mayor's veto. It seems that the State Public Utilities Commission is not willing to accept jurisdiction for setting rates for temporary permits that might be issued pursuant to the proposed legislation. It was the Mayor's intention that this legislation be re-introduced with a provision which would include the authority to issue a rate structure to comport with said permits as a part of a single bill, but the Supervisors disregarded that suggestion and overrode the veto. Commissioner Ciani further stated that there is nothing the Commission can do with this legislation now since the Commission is without authority to set rates.

Sergeant Roche, the Department's Legal Officer, stated that he was preparing legislation which would be introduced to the full Board on Monday with a New Rate and Route structure, which could be set by Resolution of the Board. He also stated that this would only take one reading of the Board and it would become effective immediately upon the Mayor's signature.

Commissioner Murphy brought up another subject under old business regarding the Police Commission's scheduled locations for public hearings on the Bar Association's Officer of Citizens Complaints Procedures. She stated that she noted in an editorial in the San Francisco Progress that the Commission had drawn sharp criticism based on the fact that the Commission had not scheduled any hearings in the Pacific Heights and Richmond District areas.

The Chief then had Deputy Chief DeAmicis comment upon the selected locations and he stated that the Anza School on Vega Street was selected and was considered as taking in the area of the Richmond District, and the Pacific Heights people should have no trouble in getting to either Anza or Gallileo, which was also selected for the Hearings.

Commissioner Murphy then stated that she just wanted to be sure that those areas were covered.

TRANSFER OF TAXICAB PERMIT - APPROVED

The matter of the transfer of the right to operate a taxicab by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions of ordinance applying thereto. The transferor and transferee appeared in person and were represented by councils. The Commission approved the transfer of whatever right,

title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Robert Domergue 1750 - 23rd Avenue San Francisco, Calif.	Robert Y. Lim 260 Mallorca Way San Francisco, Calif.	1

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

TRANSFER OF JITNEY BUS PERMIT - APPROVED

The matter of the transfer of the right to operate a jitney bus permit by the following-named person was called, it having been adverterised in the official newspaper in accordance with the provisions of ordinance applying thereto. The transferor and transferee appeared in person and were not represented by council. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a jitney bus to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Edwin Segura 528 Anza Street Mountain View, Calif.	John G. Cariaga 31 Whittier Street San Francisco, Calif.	1

Route: Mission Street - Ferry to Sickles Avenue

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 343-76

THERESA KELLEY, A CETA EMPLOYEE, BUREAU OF CRIMINAL
INFORMATION - RECORD ROOM.

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Theresa Kelley, a Ceta employee, as follows:

SPECIFICATION NO. 1

Neglect of Duty.
(Violation of Section 2.13 of the Rules
and Procedures of the San Francisco
Police Department.)

by Andrew M, Kristensen, Captain of Police, Bureau of Criminal Information; therefore be it.

RESOLVED, that the hearing before the Police Commission on charges filed against Theresa Kelley, a Ceta employee, Bureau of Criminal Information, Record Room, be, and the same is here by set for Wednesday, August 11, 1976, at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 345-76

DATE TO BE SET FOR HEARING OF POLICE OFFICER DONALD FORTE, TARAVAL POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Donald Forte, Taraval Police Station, was called; and

WHEREAS, Sergeant David P. Roche, Legal Office, stated that because of charges to be filed against another Police Officer, currently on disability and involved in the same incident, the Department is requesting that the setting of the date for this hearing be put over until Wednesday, September 1, 1976; therefore be it

RESOLVED, that because of the above-stated circumstances, the date for the hearing of the disciplinary hearing before the Police Commission for Police Officer Donald Forte, Taraval Police Station, be, and the same is hereby set for Wednesday, September 1, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 346-76

DATE TO BE SET FOR HEARING OF POLICE OFFICER VLADIMIR SHEGOLEFF, TARAVAL POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Vladimir Shegoleff, Taraval Police Station, was called; and

WHEREAS, Sergeant David P. Roche, Legal Office, stated that because of charges to be filed against another Police Officer, currently on disability and involved in the same incident, the Department is requesting that the setting of the date for this hearing be put over until Wednesday, September 1, 1976; therefore be it

RESOLVED, that because of the above-stated circumstances, the date for setting of the disciplinary

hearing before the Police Commission for Police Officer Vladimir Shegoleff, Taraval Police Station, be, and the same is hereby set for Wednesday, September 1, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 347-76

HEARING OF POLICE OFFICER GEORGE MOISSANT, TARAVAL
POLICE STATION

WHEREAS, the hearing of Police Officer George Moissant, Taraval Police Station, was called, it having been set for this date; and

WHEREAS, Mr. George Engler, attorney for Police Officer George Moissant, appeared before the Police Commission and stated that since Officer Moissant is still undergoing medical treatment for his condition that a hearing at this time would be detrimental to his health; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer George Moissant is set for Wednesday, September 22, 1976, at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 348-76

HEARING OF PARKING CONTROLMAN DOUGLAS ELLIOTT,
TRAFFIC BUREAU

WHEREAS, the hearing of Parking Controlman Douglas Elliott, Traffic Bureau, was called, it having been set for this date; and

WHEREAS, Mr. James J. Diggins, Business Representative, Civil Service Association, Local 400, has submitted a written request to the Police Commission asking for a continuance in this matter to Wednesday, August 25, 1976; therefore be it

RESOLVED, that the request of Mr. James J. Diggins, Business Representative, Civil Service Association, Local 400, for a continuance in this matter, be, and the same is hereby approved and continued to Wednesday, August 25, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 349-76

HEARING OF POLICE OFFICER LLOYD A. RITTER, PARK
POLICE STATION

WHEREAS, the hearing of Police Officer Lloyd A Ritter, Park Police Station, was called, it having been set for this date; and

WHEREAS, Police Officer Lloyd A. Ritter, who is currently on vacation leave of absence and will not return to duty until August 7, 1976, has requested a continuance in this matter; therefore be it

RESOLVED, that the Police Commission on the request of Police Officer Lloyd A. Ritter, Park Police Station, does hereby continue the hearing on the charges filed against him to Wednesday, August 11, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

HEARING OF POLICE OFFICER ROGER D. KEENAN, NORTHERN
POLICE STATION

The hearing of Police Officer Roger D. Keenan, Northern Police Station, was called, it having been set for this date. Police Officer Roger D. Keenan, was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Discharging a Firearm at an Occupied Building. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Joseph M. Flynn, Captain of Police, Commanding Officer of Northern Police Station.

Police Officer Roger D. Keenan appeared in person and was represented by Mr. Jeremiah F. O'Shea, Attorney at Law.

Sergeant David P. Roche, Legal Office, appeared as Prosecutor for the Police Department.

Mr. Jeremiah F. O'Shea, on behalf of Police Officer Roger D. Keenan, entered a verbal plea of "not

guilty" to Specification No. 1.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Mitchell Luksich, Criminalist
Crime Laboratory, San Francisco Police Dept.

Lieutenant James M. Rego
City of San Bruno

Police Officer Joseph B. Kosiba
City of San Bruno

Police Officer Stephen Nicolopolus
City of San Bruno

Captain Joseph M. Flynn, Commanding Officer
Northern Police Station

Sergeant Robert Spotswood
Internal Affairs Bureau

The following-named witnesses appeared for the Defense, were sworn and testified:

Police Officer John Devine
Special Assistant to Chief of Police
Alcoholic Abuse Program

Police Officer Roger D. Keenan
Northern Police Station

The following exhibit was entered into Evidence by the Prosecution:

Exhibit No. 1 - San Bruno Police
Department Report

A closing statement was then presented by Sergeant David P. Roche, Legal Office.

A closing statement was then presented by Mr. Jeremiah F. O'Shea, Attorney at Law.

The Commission took the matter under submission and then recessed from 2255 hours to 2305 hours after which the following resolution was adopted:

RESOLUTION NO. 344-76

DECISION - HEARING OF POLICE OFFICER ROGER D. KEENAN,
NORTHERN POLICE STATION

WHEREAS, on July 16, 1976, Joseph M. Flynn,

Captain of Police, Commanding Officer Northern Police Station, made and served charges against Police Officer Roger D. Keenan, as follows:

SPECIFICATION NO. 1

- a) That at or about 1345 hours, Thursday, April 8, 1976, the accused, while off duty, and with reckless disregard of probable consequences, discharged a .45 caliber pistol from within his residence located at 645 Shelter Creek Lane, Apartment 341, in the City of San Bruno, State of California.
- b) Because of the above-stated conduct, the accused did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 4, 1976, and that on Wednesday, August 4, 1976, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Roger D. Keenan, Northern Police Station, as contained in Specification No. 1, are sustained by the evidence submitted at the hearing, and that Police Officer Roger D. Keenan has violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Roger D. Keenan has violated Specification No. 1, Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violation Police Officer Roger D. Keenan be suspended for ninety (90) calendar days without pay commencing Thursday, August 5, 1976 at 0001 hours and terminating Tuesday, November 2, 1976 at 2400 hours.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

Recesses taken in the hearing of Police Officer Roger D. Keenan:
2214 hours to 2252 hours
2255 hours to 2305 hours

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. McTaggart, C.S.R.)

HEARING OF POLICE OFFICER MICHAEL R. MORRIS, NORTHERN POLICE STATION

The hearing of Police Officer Michael R. Morris, Northern Police Station, was called, it having been set for this date. Police Officer Michael R. Morris was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to make a Report. (Violation of Section 2.61 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Joseph M. Flynn, Captain of Police, Commanding Officer of Northern Police Station.

Police Officer Michael R. Morris appeared in person and was represented by Mr. George J. Engler, Attorney at Law.

Sergeant David P. Roche, Legal Office, appeared as Prosecutor for the Police Department.

Mr. George Engler, on behalf of Police Officer

- 480 -
Michael R. Morris, entered a verbal plea of "not guilty" to Specification No. 1.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Mitchell Luksich, Criminalist
Crime Laboratory, San Francisco Police Dept.

Lieutenant James M. Rego
City of San Bruno

Police Officer Joseph B. Kosiba
City of San Bruno

Police Officer Stephen Nicolopolus
City of San Bruno

Captain, Joseph M. Flynn, Commanding Officer
Northern Police Station

Sergeant Robert Spotswood
Internal Affairs Bureau

The following-named witnesses appeared for the Defense, were sworn and testified:

Police Officer John Devine
Special Assistant to Chief of Police
Alcoholic Abuse Program

Police Officer Michael R. Morris
Northern Police Station

The following exhibit was entered into Evidence by the Prosecution:

Exhibit No. 1 - San Bruno Police
Department Incident
Report.

A closing statement was then presented by Sergeant David P. Roche, Legal Office.

A closing statement was then presented by Mr. George J. Engler, Attorney at Law.

The Commission took the matter under submission and then recessed from 2255 hours to 2305 hours after which the following resolution was adopted;

RESOLUTION NO. 350-76

DECISION - HEARING OF POLICE OFFICER MICHAEL R. MORRIS, NORTHERN POLICE STATION

WHEREAS, on July 16, 1976, Joseph M. Flynn, Captain of Police, Commanding Officer Northern Police Station, made and served charges against Police Officer Michael R. Morris, as follows:

SPECIFICATION NO. 1

- a) That at or about 1340 hours, Thursday, April 8, 1976, the accused, while off duty, was visiting a fellow off duty officer at 645 Shelter Creek Lane, Apartment 341, in the City of San Bruno, State of California.
- b) While the accused was in the apartment of the fellow officer, the fellow officer did, with reckless disregard of probable consequences, discharge a .45 caliber pistol within the apartment.
- c) The accused did not make any report to either the San Francisco Police Department or the San Bruno Police Department relative to this incident.
- d) Because of the above-stated conduct, the accused did violate Section 2.61 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"Shall, whether on or off duty, make a written report to his commanding officer of any crime or other occurrence of a police nature, which comes to his attention and which has not already received the attention of some other member."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 4, 1976, and that on Wednesday, August 4, 1976, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission, by a 3 to 2 vote, finds that the said charges made and filed against

Police Officer Michael R. Morris, Northern Police Station, as contained in Specification No. 1, are not sustained by the evidence submitted at the hearing and that Police Officer Michael R. Morris has not violated Section 2.61 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that the findings of the Police Commission in not sustaining the charge of Section 2.61 of the Rules and Procedures of the San Francisco Police Department against Police Officer Michael R. Morris, be, and the same is hereby approved.

AYES: Commissioners Ciani, Murphy, Siggins

NAYS: Commissioners Gallegos, Hall

Recesses taken in the hearing
of Police Officer Michael R.
Morris:

2214 hours to 2252 hours
2255 hours to 2305 hours.

(The entire proceedings were taken
in shorthand form by Hearing Reporter
Dorsey A. McTaggart, C.S.R.)

NON-CALENDARED ITEM

Crown Prince Arcadia was given an opportunity to speak on a non-calendared item. He stated that he was speaking as a candidate for a position in the proposed Office of Citizens Complaints.

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1070-1082 POST STREET - SAN FRANCISCO FIRE DEPARTMENT

- a) At 1070-1082 Post Street, install a 74' red zone, to extend from 104' - 178' east of Polk Street.

381 TURK STREET - APARTMENT BUILDING

- a) At 381 Turk Street, install a 22' white zone, to extend from 51' - 73' east of Hyde Street.

507 COLUMBUS AVENUE - FISHERMEN'S MARKET

- a) At 507 Columbus Avenue, install a 22' yellow zone, to extend from 40' - 62' north of Green Street - (remove meter COL-503.)

659 and 655 PARNASSUS AVENUE & 535 PARNASSUS AVENUE-
UNIVERSITY OF CALIFORNIA HOSPITAL - PUT OVER

The Traffic Bureau was asked to personally canvass the neighborhood on this item.
CONTINUED ONE WEEK.

4399 - 25th STREET - BETWEEN DIAMOND & DOUGLASS STREETS

- a) Revoke 26' yellow zone.

1031 - 14th STREET & 1041 -14th STREET - MCKINLEY SCHOOL

- a) At 1031 -14th Street, revoke 60' white zone.
b) At 1041 -14th Street, revoke 85' white zone.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

HELD OVER FROM CALENDAR OF JULY 14th, 1976 -
370 THIRD STREET - PACIFIC TELEPHONE & TELEGRAPH COMPANY

- a) At 270 Third Street, install a 66' white zone, to extend from 110' - 176' north of Harrison Street - (also permission to display portable "No Parking" signs in conjunction with this white zone.)

Commissioners Ciani and Gallegos asked for and received permission to sustain from voting on this item.

AYES: Commissioners Hall, Murphy, Siggins.

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 171 feet of yellow and white zones at various parts of the City at the locations submitted be, and the same are hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 341-76

MICHAEL LOFTIN AND HIS
ATTORNEY, PETER AXELROD

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Michael Loftin in the sum of \$200.00 in Superior Court Action No. 687-799 entitled "Michael Loftin, Plaintiff, vs. City and County of San Francisco," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 23, 1974

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

- a) Lieutenant Eugene H. Del Carlo, Northern Police Station, for service, effective June 9, 1976.
- b) Lieutenant John J. Fay, Bureau of Criminal Information, for service, effective June 23, 1976.
- c) Sergeant Roy Hooper, Ingleside Police Station, for service, effective June 23, 1976.
- d) Inspector Anthony Arrieta, Bureau of Special Services, effective June 29, 1976.
- e) Inspector Paul H. Dotur, Bureau of Inspectors, for service, effective June 23, 1976.
- f) Inspector John K. Johnson, Traffic Bureau, for service, effective June 23, 1976.
- g) Inspector Slava J. Tochlin, Bureau of Inspectors, for service, effective June 23, 1976.
- h) Inspector Joe H. Vanderford, Narcotics Bureau, for service, effective June 23, 1976.

- 1) Inspector Jack F. Wright, Crime Laboratory,
for service, effective June 23, 1976.

The communications were ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 342-76

AUTHORIZING ATTENDANCE OF POLICE OFFICER CLARENCE N.
WILLIAMS, PERSONNEL AND TRAINING, AT A BACKGROUND
INVESTIGATIONS SEMINAR IN LONG BEACH, CALIFORNIA, FROM
AUGUST 9, 1976 TO AUGUST 12, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the
Chief of Police that Police Officer Clarence N.
Williams, Personnel and Training, be detailed to
attend a Background Investigations Seminar in Long
Beach, California, from August 9, 1976 to August
12, 1976, inclusive, be, and the same is hereby
approved; and be it further

RESOLVED, that expenses incurred by Police
Officer Clarence N. Williams, Personnel and Training,
in a sum not to exceed \$192.80 in attending this Sem-
inar will be defrayed by the Police Department's Police
Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

WEEKLY SICK REPORT

Chief Gain submitted a report of members of
the Department off duty due to sickness and disability
for the week ending Tuesday, July 27, 1976 as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	47	45
Daily average for the week disabled	<u>103</u>	<u>108</u>
TOTALS	150	153

This is a decrease of three (3) members off duty daily
from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percetnage for the week sick	2.48	2.52
Daily percetnage for the week disabled	<u>6.07</u>	<u>6.33</u>
TOTALS	8.55	8.85
Disabled at start of week	111	
Started during the week	14	
Returned during the week	14	
Disabled at end of week	111	
Net Gain or Loss	0	

Sick and disabled for the week ending Saturday,
August 9, 1975 at 2400 hours:

Daily average for the week sick	52
Daily average for the week disabled	<u>79</u>
TOTAL	131
Daily percentage for the week sick	2.71
Daily percentage for the week disabled	<u>4.28</u>
TOTAL	6.99

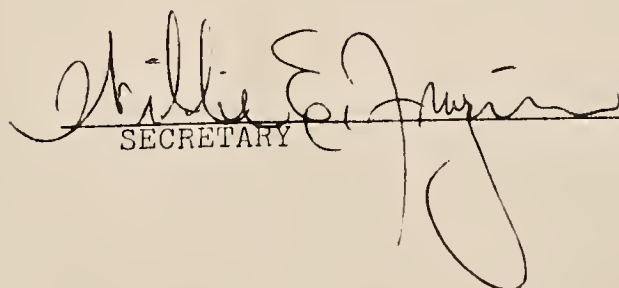
Sick and disabled for the week ending Tuesday,
June 29, 1976 at 2400 hours:

Daily average for the week sick	44
Daily average for the week disabled	<u>103</u>
TOTAL	147
Daily percentage for the week sick	2.45
Daily percentage for the week disabled	<u>6.05</u>
TOTAL	8.50

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

The Commission then adjourned its meeting.



SECRETARY

11 AUGUST 1976

REGULAR MEETING

Minutes
The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 11, 1976 at 1730 hours, in regular session:

PRESENT: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

DOCUMENTS

AUG 24 1976

Commissioner Siggins presiding.

SAN FRANCISCO
PUBLIC LIBRARY

The members of the Commission, having been furnished copies of the minutes of July 28, 1976 and August 4, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain at this time requested an Executive Session Meeting with the Police Commission on matters of a Personnel Nature. The Commission acknowledged the Chief's request and recessed the regular meeting at 1735 hours to commence the Executive Session Meeting. The regular meeting was then reconvened at 1748 hours after which Commissioner Siggins announced that the Commission had voted to approve Chief Gain's recommendation to remove Deputy Chief George Sully, Jr., from the position of Deputy Chief of Administration. The Commission then adopted the following resolution:

RESOLUTION NO. 361-76

CHANGE IN PERSONNEL OF THE POLICE DEPARTMENT

WHEREAS, pursuant to the provisions of Section 3.501 of the Charter of the City and County of San Francisco, Chief of Police Charles R. Gain, made the following change in Police Department personnel effective at 1730 hours on Wednesday, August 11, 1976:

REMOVING:

George R. Sully, Jr., from the position of Deputy Chief of Administration returning him to his Civil Service Classification of Q80 Captain of Police;

therefore be it

RESOLVED, that the above change in personnel made by Chief of Police Charles R. Gain, be, and the same is hereby unanimously affirmed and approved.

(At the request of President Siggins, the Commissioners were individually polled.)

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

The remainder of the Chief's Report was continued and then completed at the end of today's agenda.

PUBLIC HEARING RELATIVE TO ADOPTING A RESOLUTION
AMENDING RULE 5.159 OF THE MANUAL OF RULES OF THE
SAN FRANCISCO POLICE DEPARTMENT. (TIME OF TRIAL BY
POLICE COMMISSION) - CONTINUED ONE WEEK

Officer John Ballentine, San Francisco Police Officers Association Treasurer, stated that since notification to their Association was only nine days old and in accordance with the Memorandum of Understanding they must be allowed ten days to submit a request for a meet and confer on any proposed Rule Change, therefore he was asking for a one week continuance. The Commission then approved his request and continued this item for one week.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 363-76

HEARING OF POLICE OFFICER RANDY E. FALCONE, NORTHERN
POLICE STATION.

WHEREAS, the hearing of Police Officer Randy E. Falcone was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, Attorney at Law, who is representing Police Officer Randy E. Falcone, has requested a two month continuance of this matter as the case is still pending before the Courts; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Randy E. Falcone is set for Wednesday, October 20, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 359-76

THERESA KELLEY, (A CETA EMPLOYEE), BUREAU OF CRIMINAL
INFORMATION - RECORD ROOM

WHEREAS, on Friday, July 30, 1976, Andrew M. Kristensen, Captain of Police, Bureau of Criminal Information, made and served charges against Theresa Kelley, (a Ceta Employee), Bureau of Criminal Information - Record Room, reading as follows:

SPECIFICATION NO.1

Neglect of Duty.
(Violation of Section 2.13 of the
Rules and Procedures of the San
Francisco Police Department.)

WHEREAS, Chief of Police, Charles R. Gain, announced that the Police Department was in receipt of the resignation of Theresa Kelley, (a Ceta employee) from the San Francisco Police Department; said resignation effective August 10, 1976, which resignation was accepted with the condition that the services of Theresa Kelley, (a Ceta employee) have been unsatisfactory and that she does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Theresa Kelley, (a Ceta employee) be, and the same is hereby continued off calendar.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION OVERRULING THE CIVIL SERVICE COMMISSION
AND APPROVING THE POSITION OF DIRECTOR OF POLICE
COMMUNITY RELATIONS AS EXEMPT FROM THE CIVIL SER-
VICE PROVISIONS OF THE CHARTER OF THE CITY AND
COUNTY OF SAN FRANCISCO.

This matter was before the Commission once again because the Clerk of the Board stated that it had to be resubmitted on Board of Supervisors Resolution paper. The Commission, again gave its unanimous approval for this Resolution to be re-submitted to the Board in its proper form

RESOLUTION NO. 362-76

WHEREAS, pursuant to Section 3.530 of the Charter of the City and County of San Francisco, the Police Commission in Resolution number 78-75, dated February 19, 1975, created the titled of Director, Police Community Relations and declared it as exempt

from the Civil Service provisions of said Charter; and

WHEREAS, on Wednesday, February 11, 1976, the Police Commission passed a Supplemental Appropriation Request No. 60-76, to provide funds for the position of Director of Community Relations effective March 3, 1976, at a salary equivalent to that of Captain of Police; and

WHEREAS, said resolution was forwarded to the Civil Service Commission who entertained it on their agenda at their meetings of March 15, 1976, April 5, 1976, April 19, 1976, May 3, 1976, May 17, 1976, and June 21, 1976; and

WHEREAS, during said meetings a requested City Attorney's opinion was received, the contents of which revealed that the position of Director of Police Community Relations could be declared exempt from the Civil Service provisions of the Charter, and that the incumbent was legally entitled to be continued in said position as Director, Police Community Relations; and

WHEREAS, at the Civil Service Commission meeting of June 21, 1976, the Commission voted on the matter and by a two to two tie vote (one Commissioner was absent), failed to approve the Director of Police Community Relations as a position exempt from the Civil Service provisions of the Charter; and

WHEREAS, the Police Department in a letter from the Chief of Police to the President of the Civil Service Commission asked the Commission for a re-hearing to which they responded in a letter from their Secretary, dated July 9, 1976, stating that they would not re-hear the matter, and

WHEREAS, pursuant to Section 3.530 of the Charter of the City and County of San Francisco which states in part, "If the Civil Service Commission disapproves any such exemption, the Board of Supervisors may approve such exemption by a majority vote of the members thereof;" therefore be it

RESOLVED, that the position of Director of Police Community Relations Bureau of the San Francisco Police Department be exempt from the Civil Service provisions of the Charter of the City and County of San Francisco.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RECOMMENDATIONS OF THE TRAFFIC BUREAU

There was a general discussion by the Commission in regard to item #1 on the Consent Agenda, Traffic Calendar. Sergeant Lynne Etherington from the Traffic Survey Department appeared and answered questions from the Commission in regard to item #3 held over from the Traffic Calendar of August 4, 1976, and item #3 held over from the Traffic Calendar of July 28th.

Mr. R. Bowie, 1716 Lombard Street, also appeared and retracted his earlier objections to the installation of a green zone at 1734 Lombard Street. However, he objected to other business in the same vicinity and various colored zones previously allotted to them. The Commission advised him that the Traffic Survey Department would investigate the matter and make subsequent recommendations regarding his objections.

Further discussions were held regarding item #4 of the Traffic Calendar which was before the Commission at last week's meeting and it now indicates the request has been withdrawn. Sergeant Etherington stated that the Regents of the UC Hospital did not want to upset the residents by installing yellow zones to allow for construction so it was decided that the best thing to use would be the temporary loading zones 33(c) of the Traffic Code which before going into effect must be posted for 24 hours. He further stated that this would only be used when necessary thereby allowing residents and builders more flexibility for parking rather than permanent zones prohibiting use five days a week.

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1320 EVANS AVENUE - (BET. LANE & MENDELL STREETS)

- a) Revoke existing 50' yellow zone.

498 NEWHALL STREET - (BET. EVANS & FAIRFAX AVENUES)

- a) Revoke existing 50' yellow zone.

2400 - 23rd STREET & 2428 - 23rd STREET - S.F. GENERAL HOSPITAL

- a) At 2400 - 23rd Street, install a red zone 100', - 113' - 113' west of Vermont.
- b) At 2428 - 23rd Street, install a green zone, 79' , 113' - 192' west of Vermont.

2535-24th STREET - PLEASANT HILL MISSIONARY BAPTIST
CHURCH, INC.

- a) At 2535 - 24th Street, install a 22' white zone, to extend from 66' - 88' east of Utah Street.

200 POTRERO AVENUE - STEMPELS BAKERY

- a) At 200 Potrero Street, revoke 60' yellow zone, and revoke 64' white zone.

ITEM #3 - HELD OVER FROM CALENDAR OF JULY 28th
1734 LOMBARD STREET - STANDARD AUTO PARTS

- a) At 1734 Lombard Street, install a 22' green zone, to extend from 122' - 144' west of Octavia Street.

ITEM #3 - HELD OVER FROM CALENDAR OF AUGUST 4th
507 COLUMBUS AVENUE - FISHERMAN'S MARKET

- a) At 507 Columbus Avenue, install a 22' yellow zone, to extend from 40' - 62' north of Green Street . (also remove parking meter COL-503.)

ITEM #4 - HELD OVER FROM CALENDAR OF AUGUST 4th
659, 655 and 535 PARNASSUS AVENUE - UNIVERSITY OF
CALIFORNIA HOSPITAL

Request has been withdrawn.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

REVOKED

RESOLVED, that the recommendations pf the Traffic Bureau on the revocation of 224 feet of white and yellow zones at various parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 351-76

ALLAN OBIE BENZ AND HUGH ROMNEY
AND THEIR ATTORNEY PAUL G. SLOAN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Allan Obie Benz in the amount of \$4,000.00 in Superior Court Action No. 658-807 entitled, "Allan Obie Benz and Hugh Romney, Plaintiffs, v. City and County of San Francisco, et al., Defendants" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 13, 1972

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 352-76

CLARENCE FERGUSON AND HIS ATTORNEY
GERALD J. O'CONNOR

RESOLVED, that the recommendation of the City Attorney for settlement of Superior Court Action No. 670-778 in the sum of \$3,000.00 as the result of damages sustained, be, and the same is hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 353-76

CONSUELO G. TORRES AND HER ATTORNEY
LYLE C. CAVIN, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Consuelo G. Torres in the sum of \$7,500.00 in Superior Court Action No. 653-956 entitled "Consuelo G. Torres vs. City and County of San Francisco, et al.," as the result of damages sustained be, and the same is hereby approved.

Date of Incident: January 4, 1972

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 354-76

RAY ALEXANDRE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ray Alexandre against the City and County of San Francisco in the sum of \$21.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 20, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 355-76

DEWITT WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dewitt Williams against the City and County of San Francisco in the sum of \$150.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 29, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 356-76

JOHNNIE MAE COLES AND PATRICIA COLES
MCDUGAL, AND THEIR ATTORNEY FRANCES L. HANCOCK

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Johnny Mae Coles and Patricia Coles McDougal v. Donald Scott, Doe One, Doe Two, Doe Three, Doe Four, Doe Five, Doe Six, Doe Seven, Doe Eight, Doe Nine and Doe Ten." in the amount of \$1,250.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 20, 1974

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

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RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

- a) Police Officer Robert G. Mills, Traffic Bureau, for service, effective July 3, 1976.
- b) Police Officer Edward E. Plant, Park Police Station, for service, effective July 7, 1976.

The communications were ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 357-76

REQUEST TO TRANSFER ALLOTTED FUNDS

RESOLVED, that the Controller be, and he is hereby requested to transfer \$5,937.93 from allotted funds in Appropriation No. 5.161.200.000.000 (Contractual Services), and \$6,378.43 from allotted funds in Appropriation No. 5.161.216.000.002 (Maintenance and Repair - Motorcycles) to allotted funds in Appropriation No. 5.161.216.000.000 (Maintenance and Repair of Auto Equipment) to cover deficit in this account per work orders with Purchasing Department Auto Shop.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 358-76

REQUEST TO TRANSFER RESERVE FUNDS

RESOLVED, that the Controller be, and he is hereby requested to transfer \$34,283.00 from reserve funds to allotted funds in Appropriation No. 4.161.961.000.000 (Grant Matching Fund - San Francisco Citizen Safety Project), the amount required as local hard cash match.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

REQUEST FOR A SUPPLEMENTAL APPROPRIATION IN THE
AMOUNT OF \$112,886.00 FOR ADJUSTMENTS TO NEW AND
VACANT POSITIONS EFFECTIVE JULY 1, 1976 - OFF
CALENDAR

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 360-76

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF
CHARGES - APPROVED

WHEREAS, Police Officer Randy E. Falcone,
Northern Police Station, was suspended without pay
effective at 0239 hours, Tuesday, July 13, 1976,
pending hearing of the charges before the Police
Commission; and

WHEREAS, Police Officer Randy E. Falcone,
has requested a Leave of Absence Without Pay pending
hearing of charges before the Police Commission;
therefore be it

RESOLVED, that Police Officer Randy E.
Falcone, Northern Police Station, be placed on an
extended Leave of Absence Without Pay at his re-
quest for a period of ninety days commencing Aug-
ust 13, 1976, until his hearing is held before the
Police Commission.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

WEEKLY SICK REPORT

Chief of Police Charles R. Gain, submitted
a report of members of the Department off duty due to
sickness and disability for the week ending Tuesday,
August 3, 1976 at 2400 hours, as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	43	47
Daily average for the week disabled	<u>106</u>	<u>103</u>
TOTALS	149	150

This is a decrease of one (1) member off duty daily
from the previous week.

	<u>PREVIOUS WEEK</u>	
Daily percentage for the week sick	2.25	2.48
Daily percentage for the week disabled	<u>6.25</u>	<u>6.07</u>
TOTALS	8.50	8.55

Disabled at the start of the week	111
Started during the week	10
Returned during the week	12
Disabled at end of week	109
Net Gain or Loss	-2

Sick and Disabled for the week ending Saturday,
August 16, 1975 at 2400 hours:

Daily average for the week sick	52
Daily average for the week disabled	<u>75</u>
TOTAL	127
Daily percentage for the week sick	2.72
Daily percentage for the week disabled	<u>4.08</u>
TOTAL	6.80

Sick and Disabled for the week ending Tuesday,
July 6, 1976 at 2400 hours:

Daily average for the week sick	34
Daily average for the week disabled	<u>108</u>
TOTAL	142
Daily percentage for the week sick	1.86
Daily percentage for the week disabled	<u>6.32</u>
TOTAL	8.18

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

The Secretary called, with the permission of the Commission, a return to item #3, The Chief's Report to the Commission. Prior to completing his report, which he asked to continue until at the end of the agenda, the Chief requested the Police Commission's approval to allow him to take his vacation from August 20, 1976 to August 29, 1976.

Commissioner Hall then moved for approval of this request.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

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Commissioner Ciani then asked the Chief if he had prepared a response on the recent Grand Jury report and the Chief stated that because of the complexity and extensiveness of his response he would need two weeks for its completion.

POLICE COMMISSION DISCUSSION RELATIVE TO PROPOSAL TO MODIFY THE DEPARTMENTAL POLICY REGARDING CITATION RELEASE OF ALLEGED MISDEMEANOR OFFENDERS.

Chief Gain stated that he had sent copies of this report to several staff members and two of those persons were on vacation and did not have time to analyze it and he was requesting time for that. He further stated that there was one item in the proposal that dealt with Marijuana Citation Procedures and needed revising and he requested that the matter be re-calendared three (3) weeks from this date for the purpose of discussion and setting a public hearing at that time. Mary Vail of the Women's Jail Study Group was then invited to give the Commission an overview of the proposal. After her presentation the Commission continued it for three (3) weeks from this date, September 1, 1976, as per the Chief's request.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

OLD BUSINESS

Commissioner Ciani stated to Mr. Mulpeters, representative of the Greyline Sightseeing Tours, Inc., that the Commission had received information that Greyline was not using its 43 Sightseeing Permits issued by the Police Commission in the operation of its sightseeing business. She further stated that all she was asking of him was for information that would demonstrate that Greyline is using those permits issued by this Commission and justification for their request of 90 days suspension of operation based on the fact that they were using the permits up until the time they met with labor difficulties and requested the 90 day period of in-operation.

Mr. Mulpeters stated that Greyline had been using the permits continually and that the only area in variance was in the rates. He then stated that the rates on all of their tours were set by the Public Utilities Commission. He further stated that in answer to Commissioner Ciani's request he would have their attorneys differentiate in writing to the Commission the relationship between the Public Utilities Commission jurisdiction and Police Department Permits in Greyline's operations. He then stated that he wanted to apprise the Commission that the Greylines and the Chauffeurs Union have a meeting this week and he was hoping for a settlement of their strike.

Commissioner Siggins then thanked him for his presentation.

HEARING OF POLICE OFFICER LLOYD A. RITTER, PARK
POLICE STATION

The matter of the hearing of Police Officer Lloyd A. Ritter, Park Police Station, was called, it having been set for this date. Police Officer Lloyd A. Ritter was charged with violating the Rules and Procedures of the San Francisco Police Department as follows:

SPECIFICATION NO. 1

Failure to maintain weight requirements.
(Violation of Section 2.36.2 of the Rules and Procedures of the San Francisco Police Department)

in a properly verified complaint by John A. Mahoney, a Captain of Police, Commanding Officer of the Park Police Station.

Police Officer Lloyd A. Ritter, appeared in person and was not represented by an attorney.

Police Officer Lloyd A. Ritter, Park Police Station, entered a written plea of "guilty."

Sergeant David P. Roche, Legal Office, appeared as Prosecutor for the Police Department.

The following-named witness appeared for the Prosecution, was sworn and testified:

Police Officer Joseph C. Mollo
Physical Fitness Supervisor
Police Academy

The following-named witness appeared for the Defense, was sworn and testified:

Police Officer Lloyd A. Ritter
Park Police Station

The Commission discussed the matter without leaving the bench and then rendered the following decision:

RESOLUTION NO. 364-76

DECISION - HEARING OF POLICE OFFICER LLOYD A. RITTER,
PARK POLICE STATION

WHEREAS, on July 14, 1976, John A. Mahoney,

a Captain of Police, Commanding Officer of the Park Police Station, made and served charges against Police Officer Lloyd A. Ritter, as follows:

SPECIFICATION NO. 1

- a) That on April 30, 1976, pursuant to the provisions of Section 2.36 of the Rules and Procedures of the San Francisco Police Department, the accused appeared at the San Francisco Police Gymnasium for his semi-annual physical fitness standard examination. On April 30, 1976, the accused weighed 214 pounds.
- b) That on June 1, 1976, the accused appeared at the office of the Police Surgeon where he weighed 208 pounds.
- c) That the weight allowable to the accused, who is 5' 9" tall, is 206 pounds.
- d) That the Police Surgeon did not waive the standard set forth in Rule 2.36.2, so because of the above-stated conduct the accused did violate the weight requirements as set forth in Rule 2.36.2 which reads as follows:

<u>HEIGHT</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>	<u>10%ALLOWANCE</u>	<u>OVER 40</u>
5'9"	144	187	206	190

and

WHEREAS, a hearing on said charge was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 11, 1976, and that on Wednesday, August 11, 1976, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Lloyd A. Ritter, Park Police Station, as contained in Specification No. 1, are sustained by the evidence submitted at the hearing, and that Police Officer Lloyd A. Ritter has violated Section 2.36.2 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Lloyd A. Ritter, be given five (5) days suspension from duty without pay; however, said suspension is to be suspended, and he be placed on six months (6) probation with a provision that he report monthly, on his own time, to the Physical Fitness Supervisor and engage in a physical fitness program authorized by the Physical Fitness Supervisor in order that he may maintain the physical fitness standards of

DOCUMENTS

SEP 2 1976

18 AUGUST 1976

REGULAR MEETING

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Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 18, 1976 at 1730 hours, in regular session:

PRESENT: Commissioners Ciani, Gallegos, Murphy, Siggins

ABSENT: Commissioner Hall

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of the meeting of August 11, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Gallegos, Murphy, Siggins

NOT VOTING: Commissioner Hall

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain in his report to the Commission revealed a policy which had been adopted by the Police Department and the District Attorney's Office in regards to arrest of persons for violation of 647f drunk. He further stated that because of the high amount of recidivism in this category a policy has been adopted commensurate with the issuance of an order that whenever a person is arrested for the second time within a 30 day period for disorderly conduct - drunk, they will be held for court by the Police Department and the District Attorney has adopted the policy that he will prosecute. He then disseminated to the Commissioners a position paper which he stated would be transformed into a General Order for the entire Police Department either this Thursday or Friday.

CONSIDERATION FOR ACCEPTANCE OF APPLICATIONS FOR TEMPORARY SIGHTSEEING PERMITS

A general discussion was held on this item with the primary issue being consideration for the type and form of application, notices to the public and time limitations for the temporary sightseeing permits. Availability of vehicles, route and rates were also discussed as criteria for the issuance of

of the permits with final judgment resting in the hands of the Board of Supervisors with respect to acceptance of routes and rates. At this time Chief Gain stated that the Department would deliver to the Commissioners by Monday afternoon the application form with the recommended criteria for discussion. It was then decided that that form should then be posted along with the next Commission meeting notice so that people who might have an interest in it could view it and the Commission might entertain some discussion on it at its next meeting.

RESOLUTION NO. 378-76

AMENDMENT TO THE EQUIPMENT AND UNIFORM SPECIFICATIONS
OF THE SAN FRANCISCO POLICE DEPARTMENT - OFFICIAL EM-
BLEMS FOR ALL RANKS - APPROVED

RESOLVED, that effective at 0001 hours, August 19, 1976, the following amendment to the Equipment and Uniform Specifications of the San Francisco Police Department be, and the same is hereby approved:

CHIEF	<u>Collar Bar</u>	Three fire-gilt metal stars, one-half inch wide between points. to have clutch fasteners.
	<u>Shoulder Bar</u>	Three fire-gilt metal stars, one inch wide between points on each shoulder strap.
DEPUTY CHIEF OF: ADMINISTRATION, SUPPORT SERVICES, INVESTIGATION OPERATIONS	<u>Collar Bar</u>	Two fire-gilt metal stars, one-half inch wide between points. To have clutch fasteners.
	<u>Shoulder Bar</u>	Two fire-gilt metal stars, one inch wide between points on each shoulder strap.
SUPERVISING CAPTAIN OF PATROL AND TRAFFIC	<u>Collar Bar</u>	One fire-gilt metal star, one half inch wide between points. To have clutch fasteners.
	<u>Shoulder Bar</u>	One fire-gilt metal star, one inch wide between points on each shoulder strap.

AYES: Commissioners Ciani, Gallegos, Murphy,
Siggins

NOT VOTING: Commissioner Hall

Commissioner Ciani stated that she would like to bring up the subject of women's uniforms at this time. She stated that the current women's uniforms could stand some improvement. The design should take into account the differences of a man's anatomy as opposed to the female anatomy. She suggested to the Chief that he might form an Advisory Committee to the Uniform and Safety Equipment Committee and get some opinions from the women who have been wearing those uniforms for the last several months and also investigate the uniforms in other departments for patrol women.

PRESENTATION BY THE POLICE LIAISON COMMITTEE (HUMAN RIGHTS COMMITTEE) ON MATTERS REGARDING THE 1974 POLICE INCIDENT RELATIVE TO THE WHITE PANTHER PARTY.

Mr. John Morrissey, Chairman of the Police Liaison Committee of the Human Rights Commission and the Director, Mr. Grant Mickens, explained their reasons for appearing before the Police Commission on this matter. Mr. Mickens stated that they had approached the Mayor and asked permission to investigate the White Panthers allegations of the 1974 incident but the Mayor denied this request. Mr. Morrissey stated that at this time they are trying to find out whether or not the San Francisco Police Commission is now investigating or intends to investigate the White Panther Party concerns. He further stated that they were also inquiring whether or not the Police Commission would cooperate with the Human Rights Commission investigation of the White Panther Party complaints. He stated that all that their Commission was doing were asking for an opportunity to investigate and to determine that the full range of allegations that have been made aren't without substance.

Mr. Ron Landberg, Ms. Shirley Freitas and other members of the White Panther Party presented testimony on this matter. They stated that the matter was not originally brought before the Police Commission because it was their desire to have an independent body investigate this complaint. Commissioner Ciani stated that she would make a motion that the Commission table the Human Rights Commission request and recommend that the Complainants make formal complaints to the Police Commission against any individuals that they accuse of any wrong doings in connection with any incident including the incident of July 12, 1974, and if there are generalized complaints about policy or practices in the Department that those matters also be brought forth in specific facts and allegations so that the Police Commission can determine if an investigation is appropriate. Commissioner Murphy seconded this motion and it was unanimously approved by the Police Commission.

RESOLUTION NO. 379-76

AUTHORIZING ACCEPTANCE BY THE SAN FRANCISCO POLICE DEPARTMENT OF TWO UNMARKED VEHICLES FROM THE BAYVIEW FEDERAL SAVINGS AND LOAN ASSOCIATION, 2601 MISSION STREET, SAN FRANCISCO, CALIFORNIA

RESOLVED, that the recommendation of the Chief of Police that the San Francisco Police Department be allowed to accept two unmarked vehicles from the Bayview Federal Savings and Loan Association, 2601 Mission Street, San Francisco, California, to be used by the Bomb Investigation Team, be, and the same is hereby approved.

AYES: Commissioners Ciani, Gallegos, Murphy, Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 380-76

HEARING OF POLICE OFFICER PETER R. MALONEY, SOUTHERN POLICE STATION

WHEREAS, the hearing of Police Officer Peter R. Maloney, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, Attorney at Law, who is representing Police Officer Peter R. Maloney, has requested a continuance of the hearing inasmuch as discovery has not yet been completed; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Peter R. Maloney is set for Wednesday, September 15, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Murphy, Siggins

NOT VOTING: Commissioner Hall

RECOMMENDATIONS OF THE TRAFFIC BUREAU

Item #3 of the Traffic Calendar was continued over to the following week in order for the Traffic Survey Division to provide the Police Commission with

- 506 -
a more viable explanation as to why they recommend installation of this yellow zone over the protest of Miss. Cindy Wong of 651 Francisco Street.

Commissioner Ciani stated that she thought the Commission was going to get some criteria to go by for allocating the various colored traffic zones presented for approval each week. She also wanted a follow-up on whether or not the Department was getting affidavits from the people who request said zones verifying the facts upon which they base their request.

Chief Gain stated that this matter would be complied with and as far as the criteria for issuance of the various zones, the Department had polled several cities in this area and discovered that no one has criteria for the issuance of these zones. He further stated that the Department was now in the process of writing criteria and it should be ready to be submitted to the Commission by next week.

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

3600 - 16th STREET - THOMAS J. GLYNN CONSTRUCTION
COMPANY

- a) At 3600 - 16th Street, install a 22' green zone, to extend from 40' - 62' north of Noe Street.
- b) At 3600 - 16th Street, install a 28' yellow zone, to extend from 62' - 90' north of Noe Street.

MIDDLE DRIVE - GOLDEN GATE PARK - CALIFORNIA ACADEMY
OF SCIENCES

- a) Middle Drive - Golden Gate Park - rear entrance to Academy of Sciences - install a 100' white zone, to extend south of the north property line.

1101 COLUMBUS AVENUE - PACIFIC LUMBER COMPANY-DEFERRED

- a) At 1101 Columbus Avenue, install a 25' yellow zone, to extend from 10' - 35' west of Francisco Street.

DEFERRED TO A LATER DATE

2990 MISSION STREET - SAMIRAMIS IMPORTS

- a) Revoke 22' yellow zone at 2990 Mission Street.

7777 GEARY BOULEVARD - CHINESE 7th DAY ADVENTIST CHURCH

- a) At 7777 Geary Boulevard, install a 22' white zone, to extend from 48' - 70' east of 42nd Avenue.

2998 CALIFORNIA STREET - TRAFFIC

- a) Revoke existing 23' red zone.

#5 and #55 LENOX WAY - WEST PORTAL ELEMENTARY SCHOOL

- a) At #5 Lenox Way, install a 22' yellow zone, to extend from 19' - 41' south of Taraval Street.
- b) At #55 Lenox Way, install a 22' yellow zone, to extend from 324' - 346' south of Taraval Street.

AYES: Commissioners Ciani, Gallegos, Murphy,
Siggins

NOT VOTING: Commissioner Hall

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 45 feet of yellow and red zones at various parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Gallegos, Murphy,
Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 365-76

WILLIAM WALLACE BILYEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William

Wallace Bilyen against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1976

AYES: Commissioners Ciani, Gallegos, Murphy, Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 366-76

MARY W. CARR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary W. Carr against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1976

AYES: Commissioners Ciani, Gallegos, Murphy, Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 367-76

ALICE E. DOLAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alice E. Dolan against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1976

AYES: Commissioners Ciani, Gallegos, Murphy, Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 368-76

PETER CHRISTELMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Christelman against the City and County of San Francisco in the sum of \$21.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 9, 1976

AYES: Commissioners Ciani, Gallegos, Murphy,
Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 369-76

STEPHEN GAIL BYWATER AND HIS ATTORNEY
JAMES E. MARTIN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Stephen Gail Bywater in the amount of \$1,100.00 in Superior Court Action No. 701-299 entitled "Stephen Gail Bywater vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Accident: September 25, 1975

AYES: Commissioners Ciani, Gallegos, Murphy,
Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 370-76

GREAT AMERICAN INSURANCE COMPANY
(RAFAEL LOPEZ)

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of the Great American Insurance Company (Rafael Lopez) against the City and County of San Francisco in the sum of \$878.49 as the result of a collision

with a police vehicle, be, and the same is hereby approved.

Date of Accident: April 26, 1976

AYES: Commissioners Ciani, Gallegos, Murphy,
Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 371-76

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to delete from the following appropriations, in the 1976/77 budget, the amounts shown and refund to the general fund because of adjustments to new and vacant Q-2 positions effective July 1, 1976:

Appropriation No. 6.161.110.000.000	
Permanent Salaries-	
Uniformed Force	(\$64,282.00)
Appropriation No. 6.161.860.863.000	
Retirement	(\$37,029.00)
	<u>(\$101,311.00)</u>

AYES: Commissioners Ciani, Gallegos, Murphy,
Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 372-76

REQUEST TO TRANSFER UNALLOTTED FUNDS

RESOLVED, that the Controller be, and he is hereby requested to transfer \$1,250.00 from unallotted funds to allotted funds in Appropriation No. 6.161.958.000.000 (Community Relations Miscellaneous Expenses) to cover pending encumbrance request which is good for three (3) months.

AYES: Commissioners Ciani, Gallegos, Murphy,
Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 373-76

REQUEST TO TRANSFER ALLOTTED FUNDS

RESOLVED, that the Controller be, and he is hereby requested to transfer \$65,000 from allotted funds in Appropriation No. 6.161.300.000.000 (Materials and Supplies) to allotted funds in Appropriation No. 6.315.391.000.000 (Purchasers Fuel and Lubricants) for the purchase of gasoline and oil for Police Department vehicles covering period July, August, and September 1976.

AYES: Commissioners Ciani, Gallegos, Murphy, Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 374-76

AUTHORIZING ATTENDANCE OF CAPTAIN J. WILLIAM CONROY, LIEUTENANT RICHARD D. KLAPP, SERGEANT GERALD G. DOANE, PERSONNEL AND TRAINING, AT A P.O.S.T. CURRICULUM REVISION COMMITTEE SEMINAR AT RIVERSIDE, CALIFORNIA, ON AUGUST 25, 1976 AND AUGUST 26, 1976.

RESOLVED, that the recommendation of the Chief of Police that Captain J. William Conroy, Lieutenant Richard D. Klapp, Sergeant Gerald G. Doane, Personnel and Training, be detailed to attend a P.O.S.T. Curriculum Revision Committee Seminar at Riverside, California, on August 25, 1976 and August 26, 1976, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Captain J. William Conroy, Lieutenant Richard D. Klapp, Sergeant Gerald G. Doane, Personnel and Training, in attending this course will be defrayed by the Commission on Peace Officers Standards and Training in Sacramento, California.

AYES: Commissioners Ciani, Gallegos, Murphy, Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 375-76

AUTHORIZING ATTENDANCE OF POLICE OFFICER TIMOTHY SIMMONS, INTELLIGENCE UNIT, AT A SPECIALIZED SURVEILLANCE EQUIP-

MENT COURSE AT SACRAMENTO, CALIFORNIA, FROM AUGUST 29, 1976 TO SEPTEMBER 3, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer Timothy Simmons, Intelligence Unit, be detailed to attend a Specialized Surveillance Equipment Course at Sacramento, California, from August 29, 1976 to September 3, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officer Timothy Simmons, Intelligence Unit, in a sum not to exceed \$174.20 in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Murphy, Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 376-76

AUTHORIZING ATTENDANCE OF DIRECTOR OF COMMUNITY RELATIONS, RODNEY E. WILLIAMS, AT A SYMPOSIUM ON CRIME REDUCTION IN URBAN LOW-INCOME AREAS IN WASHINGTON, D.C., FROM SEPTEMBER 7, 1976 TO SEPTEMBER 9, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Director of Community Relations, Rodney E. Williams, be detailed to attend a Symposium on Crime Reduction in Urban Low-Income Areas in Washington, D.C., from September 7, 1976 to September 9, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Director of Community Relations, Rodney E. Williams, in attending this symposium will be defrayed under grants from LEAA and the Police Foundation of Howard University.

AYES: Commissioners Ciani, Gallegos, Murphy, Siggins

NOT VOTING: Commissioner Hall

RESOLUTION NO. 377-76

AUTHORIZING ATTENDANCE OF POLICE OFFICER JOHN F. DEVINE,
SPECIAL ASSISTANT TO CHIEF OF POLICE, AT A SUMMER
ALCOHOL STUDIES PROGRAM, AT SAN DIEGO, CALIFORNIA,
FROM AUGUST 22, 1976 TO AUGUST 27, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer John F. Devine, Special Assistant to Chief of Police, be detailed to attend a Summer Alcohol Studies Program at San Diego, California, from August 22, 1976 to August 27, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officer John F. Devine, Special Assistant to Chief of Police, in a sum not to exceed \$300.00 in attending this program will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Murphy,
Siggins

NOT VOTING: Commissioner Hall

WEEKLY SICK REPORT

Chief Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, August 10, 1976 at 2400 hours as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	48	43
Daily average for the week disabled	<u>101</u>	<u>106</u>
TOTALS	149	149

There is no change in the number of members off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	2.54	2.25
Daily percentage for the week disabled	<u>5.97</u>	<u>6.25</u>
TOTALS	8.51	8.50

Disabled at start of week	104
Started during the week	15
Returned during the week	15
Disabled at end of week	104
Net Gain or Loss	-0-

Sick and Disabled for the week ending Saturday,
August 23, 1975 at 2400 hours:

Daily average for the week sick	45
Daily average for the week disabled	<u>80</u>
TOTAL	125
Daily percentage for the week sick	2.36
Daily percentage for the week disabled	<u>4.37</u>
TOTAL	6.73

Sick and Disabled for the week ending Tuesday,
July 13, 1976 at 2400 hours:

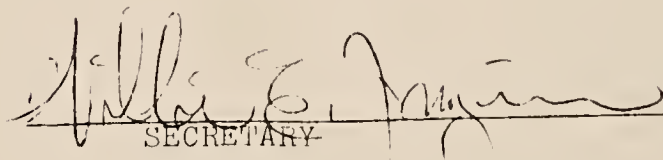
Daily average for the week sick	40
Daily average for the week disabled	<u>104</u>
TOTAL	144
Daily percentage for the week sick	2.23
Daily percentage for the week disabled	<u>6.10</u>
TOTAL	8.33

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Murphy,
Siggins

NOT VOTING: Commissioner Hall

The Commission then adjourned its meeting.



SECRETARY

25 AUGUST 1976

REGULAR MEETING

DOCUMENTS

SEP 8 1976

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Minutes
The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 25, 1976 at 1730 hours in regular session:

PRESENT: Commissioners Gallegos, Hall, Murphy, Siggins

ABSENT: Commissioner Ciani

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of the meet- of August 18, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain did not submit a report to the Commission on this date.

CONSIDERATION FOR ACCEPTANCE OF APPLICATIONS FOR TEMPORARY SIGHTSEEING BUS PERMITS

Commissioner Murphy made the following proposal to the Commission and to those concerned with the temporary sightseeing permits. She stated that the Tourist Season is practically over but thought that her idea was important enough to ask representatives from the sightseeing industry and labor and the Police Department's Permit Bureau to form a Task Force to really study this subject and come up with some criteria of what is necessary for a sightseeing system for San Francisco. She further stated that, that criteria plus the application form could then be prepared and made available for either Temporary or for Permanent Sightseeing permits. She also stated that she was concerned with the public safety and felt that this was too large a decision for the Commission to make without a thorough study and development of criteria which would meet with the Commission's approval.

Commissioner Gallegos interjected and suggested that those persons who have an interest should file an application of intent to give the Commission some kind of view as the type of people who are interested in the permits.

Commissioner Hall stated that he was still concerned about the position of the strike with Greyline and the workers union and the Police Commission's role as possible strike breakers in this dispute. He further stated that he didn't object to working on a Temporary Permit but he was concerned about the strike and the Commission's participation in it.

Mr. Jim Strachan of the Chauffeur's Union was invited to speak and he stated that negotiations between Greyline and the Union had broken down and it was his intention to go back to the Union members and ask them for permission to come before the Commission and request to have Greyline permits revoked unless meaningful negotiations commence immediately. He then thanked Commissioner Hall for his concern in the matter.

Commissioner Gallegos then moved that the Commission post a notice for those interested persons to file an application of intent for the permits so that the Commission can then take it and evaluate it. He also moved that the Task Force Committee as suggested by Commissioner Murphy, be formed to come up with some final criteria for perusal by the Commission before any issuance of permits.

The motion was seconded by Commissioner Murphy and unanimously approved.

RESOLUTION NO. 388-76

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
(JITNEY BUS PERMIT) - HEARING TO REVOKE - CONTINUED
FOR THIRTY (30) DAYS.

WHEREAS, there was granted to Mr. Jacob Gordon on September 10, 1963, a permit and/or license for the operation of one (1) jitney bus; and

WHEREAS, pursuant to an investigation conducted by the Vehicle Inspection Detail of the San Francisco Police Department, the Chief of Police was advised that Jacob Gordon was in violation of Section 1094 of the Municipal Police Code, taxes due for years of 1975 and 1976, and that he was not operating his jitney bus and had not so operated said vehicle for a period in excess of ten (10) consecutive days and was, therefore, in violation of the provisions of Section 1079 of the Police Code, and

WHEREAS, Jacob Gordon appeared before the Police Commission on Wednesday, August 25, 1976, and requested an extension of \$100 to allow him to pay the long overdue taxes and to either locate a driver or a buyer for his jitney bus permit; and

WHEREAS, the Police Commission feels that a

period of thirty (30) days should be granted to Mr. Gordon to locate either a driver or a buyer for his jitney bus permit contingent upon his paying the delinquent taxes to the Tax Collector within seven (7) days; therefore be it

RESOLVED, that the request of Jacob Gordon for an extension of thirty (30) days to either locate a driver or a buyer for his jitney bus permit, be, and the same is hereby approved.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

REQUEST OF MR. JULIUS LICHTENSTEIN, INSURANCE BROKER, FOR A POLICE COMMISSION DISCUSSION RELATIVE TO INSURANCE PROVISIONS OF THE MUNICIPAL POLICE CODE PERTAINING TO PUBLIC CONVENIENCE AND NECESSITY VEHICLES FOR HIRE.

Mr. Julius Lichtenstein, Insurance Broker, called the Commission's attention to the Insurance requirements for vehicles for hire of the San Francisco Municipal Police Code. He stated that at the present time the Police Code contained a Compliance Endorsement which must be attached to each insurance policy and it also provides that cancellation of a policy will not be effective until ten (10) days after a copy of the notice of cancellation is served on the Chief of Police. He further stated that his feeling is that if you have a police compliance endorsement that says that you have ten (10) days notice you should also have something in the Police Code that shouldn't require the ten (10) days. He requested that the Code be amended to reflect his suggestion.

He further stated that he wanted to compliment Officers Morris Martindale and Kenneth Murray for doing a wonderful job under very trying circumstances. He related to the Commission of what he thought was a tremendous task of sorting out the insurance policies, seeing what is right and what is wrong as a Police Commission endorsement.

Commissioner Siggins although not quite agreeing with Mr. Lichtenstein on his request to amend the Police Code, did agree to take the whole matter under advisement.

RESOLUTION NO. 389-76

POLICE OFFICER JAMES E. HALL, INGLETSIDE POLICE STATION

WHEREAS, charges of violating the Rules and

Procedures of the San Francisco Police Department were filed against Police Officer James B. Hall, as follows:

SPECIFICATION NO. 1

Excessive Force. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Clement D. DeAmicis, Acting Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer James B. Hall, Ingleside Police Station, be, and the same is hereby set for Wednesday, September 8, 1976, at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION 390-76

POLICE OFFICER DENNIS SCHARDT, INGLESIDE POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Dennis Schardt, as follows:

SPECIFICATION NO. 1

Excessive Force. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Clement D. DeAmicis, Acting Chief of Police, therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Dennis Schardt, Ingleside Police Station, be, and the same is hereby set for Wednesday, September 8, 1976, at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 391-76

POLICE OFFICER MORRIS A. MARTINDALE, PERMIT BUREAU

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Morris A. Martindale, as follows:

SPECIFICATION NO. 1

Neglect of Duty. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Morris A. Martindale, Permit Bureau, and the same is hereby set for Wednesday, September 15, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 392-76

POLICE OFFICER KENNETH R. MURRAY, PERMIT BUREAU

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Kenneth R. Murray, Permit Bureau, as follows:

SPECIFICATION NO. 1

Neglect of Duty. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer

Kenneth R. Murray, Permit Bureau, be, and the same is hereby set for Wednesday, September 15, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 393-76

HEARING OF POLICE OFFICER MARK E. HURLEY, CRIME SPECIFIC TASK FORCE

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Mark E. Hurley, as follows:

SPECIFICATION NO. 1

Consuming Alcoholic Beverages While on Duty and in Uniform. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Mark E. Hurley, Crime Specific Task Force, be, and the same is hereby set for Wednesday, September 29, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 394-76

HEARING OF POLICE OFFICER MICHAEL T. SUGRUE, CRIME SPECIFIC TASK FORCE

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael T. Sugrue, Crime Specific Task Force, as follows:

SPECIFICATION NO. 1

Consuming Alcoholic Beverages While on Duty and In Uniform. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

By Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Michael T. Sugrue, Crime Specific Task Force, be, and the same is hereby set for Wednesday, September 29, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 395-76

HEARING OF POLICE OFFICER MICHAEL H. GALLAGHER,
PARK POLICE STATION

WHEREAS, the hearing of Police Officer Michael H. Gallagher, Park Police Station, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, Attorney for Police Officer Michael H. Gallagher, has requested a continuance in this matter based upon the lack of discovery and Officer Gallagher's present rehabilitation program; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael H. Gallagher is set for Wednesday, October 13, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

Commissioner Gallegos at this time made a motion to commend Officers Robert Barry and Michael Geraldini for their efforts in putting together the John M. Orlando Benefit. Commissioner Hall seconded the motion and it was unanimously approved.

HEARING OF PARKING CONTROLMAN DOUGLAS ELLIOTT,
TRAFFIC BUREAU

The hearing of Parking Controlman Douglas Elliott, Traffic Bureau, was called, it having been set for this date. Parking Controlman Douglas Elliott was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Neglect of Duty. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Conduct Which Reflects Discredit Upon the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Robert C. Seghy, Supervising Captain of Traffic.

Parking Controlman Douglas Elliott appeared in person and was represented by Mr. James J. Diggins, Business Representative, Civil Service Association, Local 400.

Sergeant David P. Roche, Legal Office, appeared as the Prosecutor for the Police Department.

The reading of the Charges was waived.

Mr. James J. Diggins, on behalf of Parking Controlman Douglas Elliott, entered a verbal plea of "not guilty" to Specifications No. 1 and No. 2.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Sergeant Lenox Etherington
Traffic Survey Department
Traffic Bureau

Captain Robert C. Seghy
Supervising Captain of Traffic

The following-named witnesses appeared for the Defense, were sworn and testified:

Parking Controlman Douglas Elliott
Traffic Bureau

Parking Controlman Terri Bussard
Traffic Bureau

Parking Controlman Denise Duff
Traffic Bureau

Sergeant Robert C. Guenley
Traffic Bureau

The following exhibits were entered into
Evidence by the Prosecution:

Exhibit No. 1 - Traffic Citations issued
by Parking Controlman
Douglas Elliott:
Series M - Five Citations
Series P - Twelve Citations

Exhibit No. 2 - Traffic Citations issued by
Parking Controlman Douglas
Elliott:
Series P - Three Citations

Exhibit No. 3 - Traffic Citation Book
Numbers P603176 to P603200

A closing statement was then presented by
Sergeant David P. Roche, Legal Office.

A closing statement was then presented by
Mr. James J. Diggins.

The Commission took the matter under sub-
mission and then recessed from 2005 hours to 2044 hours
after which the following resolution was adopted:

RESOLUTION NO. 396-76

DECISION - HEARING OF PARKING CONTROLMAN DOUGLAS
ELLIOTT, TRAFFIC BUREAU

WHEREAS, on July 21, 1976, Robert C. Seghy,
Supervising Captain of Traffic, made and served charges
against Parking Controlman Douglas Elliott, as follows:

SPECIFICATION NO. 1

(a) That discovered in the citation pouch under
the care and control of the accused were twenty-

five (25) violator copies of citations written by the accused between March 11, 1976 and May 13, 1976:

(b) That violator copies of citations discovered were written by the accused;

(c) That the accused, a Parking Controlman since July 20, 1970, knows or should have known that all citations issued during his watch must be turned in at the conclusion of each watch;

(d) That because of the above-stated conduct, the accused did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department hereinabove quoted:

SPECIFICATION NO. 2

(e) That Paragraphs (a) through (d) of Specification No. 1 are incorporated in Specification No. 2 as though fully stated.

(f) That during an investigation of the activities of the accused, it was discovered that the accused had altered the license numbers of the vehicles on citations that were issued, thus, the violator copy and the copy forwarded to the Municipal Court were different;

(g) That it is absolutely essential that the integrity of members of the Police Department issuing citations be above reproach. The citizens of San Francisco and the judges of our courts must have absolute faith in the integrity of our citation system, or the whole system will fall;

(h) That because of the above-stated conduct, the accused did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department, or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 25, 1976, and that on Wednesday, August 25, 1976, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that said charges made and filed against Parking Controlman Douglas Elliott, Traffic Bureau, as contained in Specifications No. 1 and No. 2 are sustained by the evidence presented at the hearing and that Parking Controlman Douglas Elliott did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Parking Controlman Douglas Elliott has violated Specification No. 1, Section 2.13 of the Rules and Procedures of the San Francisco Police Department, and for said violation he shall be suspended for a period of forty-five (45) calendar days; and be it further

RESOLVED, that it is the order of the Police Commission that Parking Controlman Douglas Elliott has violated Specification No. 2, Section 2.13 of the Rules and Procedures of the San Francisco Police Department, and for said violation he shall be suspended for a period of forty-five (45) calendar days; and be it further

RESOLVED, that it is the order of the Police Commission that said periods of forty-five (45) days each for violation of Specifications No. 1 and No. 2, Sections 2.13 of the Rules and Procedures of the San Francisco Police Department shall run consecutively commencing at 0001 hours, Thursday, August 26, 1976, and terminating at 2400 hours, Tuesday, November 23, 1976.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

Recess taken in the hearing of
Parking Controlman Douglas Elliott:

2005 hours to 2044 hours.

(The entire proceedings were taken in shorthand form by Hearing Reporter Arline M. Fitzgerald, C.S.R.)

RESOLUTION NO. 381-76

VINCENT H. SOUTH

RESOLVED, that the recommendation of the City Attorney for settlement of Small Claims Court Action No. 324-473 in the sum of \$28.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 7, 1976

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RETIREMENTS:

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

- a) Police Officer Albert F. Alves, Northern Police Station, for service, effective July 21, 1976.
- b) Police Officer James J. Maguire, Traffic Bureau, for service, effective July 21, 1976.
- c) Police Officer John M. McCarthy, Ingleside Police Station, for service, effective August 7, 1976.
- d) Police Officer Frank Fadhl, Richmond Police Station, for service, effective July 1, 1976.

The communications were ordered filed.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 382-76

POLICE NARCOTIC FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$5,000 charging same to Appropriation No. 6.161.890.050 as an advance on the Police Narcotic Fund for the month of September, 1976.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 383-76

POLICE CONTINGENT FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$2,500 charging same to Appropriation No. 6.161.890.000 as an advance on the Police Contingent Fund for the month of September, 1976.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

CALIFORNIA PEACE OFFICERS' TRAINING FUND

Acting Chief of Police Clement D. DeAmicis, officially notified the Police Commission of the receipt by the San Francisco Police Department of a check in the amount of \$104,534.34 from the California Peace Officers' Training Fund as the Police Department's reimbursement from this fund for the training of newly appointed police officers and in-service training of officers of the department covering fourth quarter apportionment for the fiscal year 1975/76.

The Police Commission acknowledged receipt of the check by the San Francisco Police Department, and ordered that it be forwarded to the Controller for deposit in accordance with the provisions of Chapter 10, Section 10.117.3 of the Administrative Code of the City and County of San Francisco.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 384-76

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of \$5,995,745.00 from any legally available funds and credit it to the following appropriation number in the amount shown:

Appropriation No. 6.161.863.000 Mandatory
Fringe Benefits \$5,995,745.00

Additional retirement allowances for uniform force and civilian employees for year 1976/77.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 385-76

AUTHORIZING ATTENDANCE OF CAPTAIN KEVIN J. MULLEN AND SERGEANT VICTOR M. WODE, PLANNING AND RESEARCH, AT A RESEARCH AND PLANNING INSTITUTE AT CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA, CALIFORNIA, FROM OCTOBER 31, 1976 TO NOVEMBER 5, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Captain Kevin J. Mullen and Sergeant Victor M. Wode, Planning and Research, be detailed to attend a Research and Planning Institute at California State Polytechnic University, Pomona, California, from October 31, 1976 to November 5, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Captain Kevin J. Mullen and Sergeant Victor M. Wode, Planning and Research, in a sum not to exceed \$344.00 each in attending this Institute will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 386-76

AUTHORIZING ATTENDANCE OF POLICE OFFICER MICHAEL MOYSARD, POLICE PISTOL RANGE, TO ATTEND THE SMITH AND WESSON, INC., AMORER'S SCHOOL IN SPRINGFIELD, MASSACHUSETTS, FROM NOVEMBER 22, 1976 TO DECEMBER 3, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer Michael Moysard, Police Pistol Range, be detailed to attend the Smith and Wesson, Inc., Amorer's School in Springfield, Massachusetts, from November 22, 1976 to December 3, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officer Michael Moysard, Police Pistol Range, in a sum not to exceed \$727.00 in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 387-76

AUTHORIZING ATTENDANCE OF MR. FRANCIS WOO, ASSISTANT CRIMINALIST, CRIME LABORATORY, AT A FORENSIC SEROLOGY TRAINING COURSE AT THE F.B.I. ACADEMY, QUANTICO, VIRGINIA, FROM SEPTEMBER 12, 1976 TO SEPTEMBER 24, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Mr. Francis Woo, Assistant Criminalist, Crime Laboratory, be detailed to attend a Forensic Serology Training Course at the F.B.I., Academy, Quantico, Virginia, from September 12, 1976 to September 24, 1976, inclusive be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Mr. Francis Woo, Assistant Criminalist, Crime Laboratory, will be defrayed by the Federal Bureau of Investigation.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

PERMISSION TO ACCEPT TWO HANDGUNS - DENIED

The request of Police Officer Jody Moroschok, Park Police Station, for permission to accept an unsolicited gift of two handguns for his collection from a citizen who wishes to dispose of them, be, and the same is hereby denied.

AYES: Commissioners Gallegos, Hall, murphy, Siggins

NOT VOTING: Commissioner Ciani

WEEKLY SICK REPORT

Chief of Police Charles R. Gain, submitted a report of members of the department off duty due to sickness and disability for the week ending Tuesday, August 17, 1976 at 2400 hours, as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	48	48
Daily average for the week disabled	<u>105</u>	<u>101</u>
TOTALS	153	149

This is an increase of four (4) members off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	2.54	2.54
Daily percentage for the week disabled	<u>6.22</u>	<u>5.97</u>
TOTALS	8.76	8.51
Disabled at start of week	105	
Started during the week	23	
Returned during the week	9	
Disabled at the end of week	119	
Net Gain or Loss	+14	

Sick and Disabled for week ending Saturday, August 30, 1975 at 2400 hours:

Daily average for the week sick	51
Daily average for the week disabled	<u>75</u>
TOTAL	126

Daily percentage for the week sick	2.67
Daily percentage for the week disabled	<u>4.08</u>
TOTAL	6.75

Sick and Disabled for the week ending Tuesday, July 20, 1976 at 2400 hours:

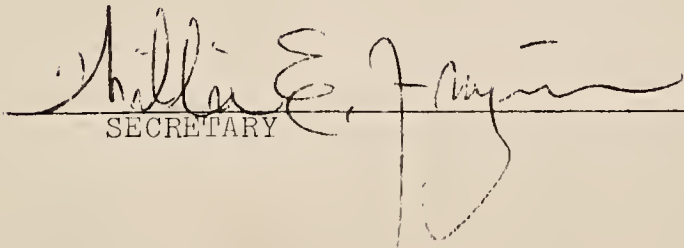
Daily average for the week sick	45
Daily average for the week disabled	<u>108</u>
TOTAL	153
Daily percentage for the week sick	2.52
Daily percentage for the week disabled	<u>6.33</u>
TOTAL	8.85

The report was ordered filed.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

The Commission then adjourned its meeting.



SECRETARY

minutes

DOCUMENTS

SEP 13 1976

1 SEPTEMBER, 1976

SPECIAL MEETING

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, September 1, 1976 at 1600 hours, in Special Session:

PRESENT: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

Commissioner Siggins presiding.

1. Executive session:

Personnel Matters.

1 SEPTEMBER, 1976

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 511, Hall of Justice, 850 Bryant Street, on Wednesday, September 1, 1976 at 1800 hours, in regular session:

PRESENT: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of the meeting of August 25, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain did not submit a report to the Commission on this date.

TRANSFER OF TAXICAB PERMIT - APPROVED

The matter of the transfer of the right to operate a taxicab by the following-named person was called for hearing, it having been advertised in the official newspaper in accordance with the provisions of ordinance applying thereto. An Order

of Final Distribution on Waiver of Accounting, No. 46205 in the matter of the Estate of J. Lee Perdue, aka John Lee Perdue, deceased, Superior Court of the State of California, dated January 1, 1976 and filed January 29, 1976, signed by Judge Norman A. Gregg, Judge of the Superior Court, City and County of San Francisco, California. The transferee did not appear in person and was not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Estate of J. Lee Perdue 1174 Canyonwood Walnut Creek, Calif.	Mrs. Hope Sliter Perdue 1174 Canyonwood Walnut Creek, Calif.	1

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

REQUEST OF MIRANDA NELSON, MEMBER OF THE WHITE PANTHER PARTY, FOR A PUBLIC INVESTIGATION OF COMPLAINTS AGAINST VARIOUS SAN FRANCISCO POLICE OFFICERS.

Miranda Nelson appeared before the Commission and stated that there were two things that she wanted to bring up and one was an amendment to the Complaint she submitted to the Police Commission Office on August 24, 1976. The complaint she referred to named five members of the Police Department with accompanying accusations against each. She indicated that she wanted to amend item #3, subsection(c) which reads, "His denial that he drew his gun." She wanted it amended to read, "His denial that Jerry DeFillipo drew his gun." She then stated that the other matter is a letter from herself to the Chairman of the Commission, Commissioner Siggins, which was not sent to the Commissioner because she wanted to read it at this hearing. She was then given permission to read the letter as follows: "At the August 19th Police Commission Hearing, you made a public statement to the effect that I am a quote, 'convicted burglar,' unquote. It is not without grave respect to you for the potential of an honest executive review of the Police Department that I would point out to you the falseness of your belief. An honest probe of the life threatening July 12, 1974, police raid on my household would reveal at that time that I was seven months pregnant, that no one had actually accused me of burglary except unidentified children and that I had absolutely no police record and that I was arrested on the same charge, suspicion of burglary, the night before and released for lack of evidence. Hopefully we were all misinformed about the facts, it would not be surprising, since to date, most public officials

know surprisingly little about the incident. If this is the case, I urge you to investigate my complaints against three of the officers involved in the raid, and two others who later lied about physical evidence to insure convictions for Terry Phillips and Tom Stevens, and become one of those responsible for bringing up the significant truth about those responsible. You are being presented with the opportunity to restore faith in the San Francisco Police Department and the City Government by the people of San Francisco with this investigation. I hope your future integrity in this matter repudiates whatever mistaken notions you have about me."

Commissioner Siggins stated to Ms. Nelson that he had been corrected at the August 19th meeting for making the statement that she had been convicted of burglary. He then asked the Chief if he would see to it that Ms. Nelson's request were complied with.

Chief Gain noted the request and stated that in regard to Ms. Nelson's allegations there is a civil suit currently under litigation and the matter should be resolved through that avenue as opposed to a Police Commission investigation assuming that an investigation would be entertained by the Commission of Ms. Nelson's complaint which appears to be accusatory statements with no documentation and no accompanying evidence of any type to support the allegations and that in his opinion the complaint should be supported by affidavits, documentation statements or whatever necessary so that the Commission would be able to evaluate that an investigation by the Commission is appropriate.

Mr. Ron Landberg, of the White Panthers stated that each of their members who were present were thoroughly prepared to go through each of those five points listed in the complaint.

Chief Gain stated that he would recommend that the Complainant submit whatever documentation or exhibits they had in writing so that the Commission could then make a determination about the reasonableness of an investigation.

He then asked the Commission to have the Secretary read the motion made by Commissioner Ciani on August 18th. He then stated that the motion should prevail and that the White Panther's submit in writing whatever they have to support their conclusionary statements.

Commissioner Siggins stated that it is the feeling of the Commission that the motion previously made by Commissioner Ciani had not been complied with and if the White Panther's wanted to submit further evidence at some other time it should be in writing with supporting exhibits and statements.

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POLICE COMMISSION DISCUSSION RELATIVE TO PROPOSAL
TO MODIFY THE DEPARTMENTAL POLICY REGARDING CITA-
TION RELEASE OF ALLEGED MISDEMEANOR OFFENDERS -
CONTINUED FROM AUGUST 11, 1976 - RE-CALENDARERD
THREE (3) WEEKS FROM THIS DATE.

Chief Gain requested this item be re-calendared
three (3) weeks from this date. He further stated
that Ms. Mary Vail, one of the proponents of the mea-
sure concurs in his request because the Captain who
has been working on this is on vacation.

The Commission granted this request.

RESOLUTION NO. 409-76

POLICE OFFICER MARIO DILORENZO, INGLESIDE POLICE STATION

WHEREAS, charges of violating the Rules and
Procedures of the San Francisco Police Department were
filed against Police Officer Mario DiLorenzo, Ingleside
Police Station, as follows:

SPECIFICATION NO. 1

Excessive Force. (Violation of
Section 2.13 of the Rules and
Procedures of the San Francisco
Police Department.)

by Clement D. DeAmicis, Acting Chief of Police; there-
fore be it

RESOLVED, that the hearing before the Police
Commission on charges filed against Police Officer Mario
DiLorenzo, Ingleside Police Station, be, and the same
is hereby set for Wednesday, September 22, 1976, at
5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 410-76

POLICE OFFICER HENRY J. FIKKERS, MISSION POLICE STATION

WHEREAS, charges of violating the Rules and
Procedures of the San Francisco Police Department were
filed against Police Officer Henry J, Fikkers, Mission
Police Station, as follows:

SPECIFICATION NO. 1

Reflecting Discredit Upon the
Department. (Violation of Section
2.13 of the Rules and Procedures of
the San Francisco Police Department.)

by Charles R. Gain, Chief of Police of the San
Francisco Police Department; therefore be it

RESOLVED, that the hearing before the
Police Commission on charges filed against Police
Officer Henry J. Fikkers, Mission Police Station,
be, and the same is hereby set for Wednesday,
September 8, 1976 at 5:30 p.m., in Room 551, Hall
of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 411-76

POLICE OFFICER ROBERT C. MULRY, SOUTHERN POLICE STATION

WHEREAS, charges of violating the Rules and
Procedures of the San Francisco Police Department were
filed against Police Officer Robert C. Mulry, Southern
Police Station, as follows:

SPECIFICATION NO. 1

Excess Weight. (Violation of
Section 2.36 of the Rules and
Procedures of the San Francisco
Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police
Commission on charges filed against Police Officer
Robert C. Mulry, Southern Police Station, be, and the
same is hereby set for Wednesday, September 8, 1976,
at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION 412-76

DATE TO BE SET FOR HEARING OF POLICE OFFICER DONALD FORTE, TARAVAL POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Donald Forte, Taraval Police Station, was called; and

WHEREAS, Sergeant David P. Roche, Legal Office, stated that because of charges to be filed against another police officer, currently on disability and involved in the same incident, the Department is requesting that the setting of the date for this hearing be put over until Wednesday, October 6, 1976; therefore be it

RESOLVED, that because of the above-stated circumstances, the date for the setting of the disciplinary hearing before the Police Commission for Police Officer Donald Forte, Taraval Police Station, be, and the same is hereby set for Wednesday, October 6, 1976, at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 413-76

DATE TO BE SET FOR HEARING OF POLICE OFFICER VLADIMIR SHEGOLEFF, TARAVAL POLICE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Vladimir Shegoleff, Taraval Police Station, was called; and

WHEREAS, Sergeant David P. Roche, Legal Office, stated that because of charges to be filed against another police officer, currently on disability and involved in the same incident, the Department is requesting that the setting of the date for this hearing be put over until Wednesday, October 6, 1976; therefore be it

RESOLVED, that because of the above-stated circumstances, the date for the setting of the disciplinary hearing before the Police Commission for Police Officer Vladimir Shegoleff, Taraval Police Station, be, and the same is hereby set for Wednesday, October 6, 1976, in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 414-76

HEARING OF POLICE OFFICER THOMAS GUERRINI, CENTRAL
POLICE STATION

WHEREAS, the hearing of Police Officer Thomas Guerrini, Central Police Station, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, who is representing Police Officer Thomas Guerrini, has requested a continuance of the hearing as Officer Guerrini is presently on disability status; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Thomas Guerrini, Central Police Station, is set for Wednesday, September 15, 1976, at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 415-76

WITHDRAWAL OF CHARGES FILED AGAINST POLICE OFFICER
JAMES B. HALL, INGLESIDE POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer James B. Hall, Ingleside Police Station, as follows:

SPECIFICATION NO. 1

Excessive Force. (Violation of
Section 2.13 of the Rules and
Procedures of the San Francisco
Police Department.)

by Clement D. DeAmicis, Acting Chief of Police; therefore be it

RESOLVED, that the above-stated charges filed before the Police Commission on August 25, 1976, against Police Officer James B. Hall, Ingleside Police Station, be, and the same are hereby withdrawn.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 416-76

WITHDRAWAL OF CHARGES FILED AGAINST POLICE OFFICER
DENNIS SCHARDT, INGLESIDE POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Dennis Schardt, Ingleside Police Station, as follows:

SPECIFICATION NO. 1

Excessive Force. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Clement D. DeAmicis, Acting Chief of Police; therefore be it

RESOLVED, that the above-stated charges filed before the Police Commission on August 25, 1976, against Police Officer Dennis Schardt, Ingleside Police Station, be, and the same are hereby withdrawn.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 417-76

POLICE OFFICER MARK E. HURLEY, BUREAU OF CRIMINAL
INFORMATION

WHEREAS, First Amended charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Mark E. Hurley, Bureau of Criminal Information; as follows:

SPECIFICATION NO. 1

The Statement of Charges served on the accused 23 August 1976 is amended as follows:

Line 24, the word "stand" is deleted and the word "sit" is inserted in place of the deleted word.

Line 24 will read:

(c) That the accused did sit next to the bar and did (line 25) there consume an alcoholic beverage;

by Clement D. DeAmicis, Acting Chief of Police; therefore be it

RESOLVED, that the First Amended charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Mark E. Hurley, Bureau of Criminal Information, be, and the same are hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 418-76

POLICE OFFICER MICHAEL T. SUGRUE, BUREAU OF CRIMINAL
INFORMATION

WHEREAS, First Amended charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael T. Sugrue, Bureau of Criminal Information, as follows:

SPECIFICATION NO. 1

The Statement of Charges served on the accused 23 August 1976 is amended as follows:

Line 24, the word "stand" is deleted and the word "sit" is inserted in place of the deleted word.

Line 24 will read:

(c) That the accused did sit next to the bar and did (line 25) there consume an alcoholic beverage;

by Clement D. DeAmicis, Acting Chief of Police; therefore be it

RESOLVED, that the First Amended charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Michael T. Sugrue, Bureau of Criminal Information, be, and the same are hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

801-24th STREET - CLEVELAND WRECKING COMPANY

- a) At 801 - 24th Street, install a 66' yellow zone, to extend from 14' - 80' west of Third Street.

2555 SAN BRUNO AVENUE - DAN-CRAFT FURNITURE COMPANY

- a) At 2555 San Bruno Avenue, revoke 36' yellow zone - (15' - 51' north of south line of building.)

3312 GEARY BOULEVARD - PHYSICAL THERAPIST

- a) At 3312 Geary Boulevard, install an 18' white zone, to extend from 48' - 66' east of Parker Avenue - (also remove parking meter GEARY-3304).

115 FOWLER AVENUE -SHEAR MADDNESS (BARBERSHOP)CONT'D ONE WEEK

- a) At 115 Fowler Avenue, install a 22' green zone, to extend from 63' - 85' east of Portola Drive.

NOTE: Commissioner Gallegos felt that a 10 minute green zone in front of a barber shop was not justifiable and felt that the Traffic Division should give a justification; therefore it was continued for one week.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 36 feet of yellow zone at various parts of the City at the location submitted be, and the same is hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 397-76

BARBARA EAGLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara Eagle against the City and County of San Francisco in the sum of \$369.50 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: April 21, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 398-76

KAREN K. OKAI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen K. Okai against the City and County of San Francisco in the sum of \$16.08 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 15, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 399-76

LOLIA JOE ROBERTS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lolita Joe Roberts against the City and County of San Francisco in the sum of \$25.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 13, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 400-76

ALLEN AND SHEK LAU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allen and Shek Lau against the City and County of San Francisco in the sum of \$22.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 26, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 401-76

LEE ROY WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lee Roy Williams against the City and County of San Francisco in the sum of \$95.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 18, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 402-76

DAVID D. YEO AND CALIFORNIA STATE
AUTOMOBILE ASSOCIATION

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David D. Yeo and California State Automobile Association against the City and County of San Francisco in the sum of \$321.91 as the result of a collision with a police vehicle be, and the same is hereby approved.

Date of Accident: June 3, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 403-76

WANDA MCFANN, GUARDIAN AD LITEM OF JACK MCFANN,
A MINOR AND THEIR ATTORNEYS SPOLTER, MCDONALD
AND MANNION

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Jack McFann in the amount of \$1,250.00 in Superior Court Action No. 696-647 entitled "Jack McFann vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 14, 1975

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 404-76

LESTER BUTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lester Butt against the City and County of San Francisco in the sum of \$20.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 21, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 405-76

EVE STONE

RESOLVED, that the recommendation of the City Attorney for settlement of Small Claims Court Action No. 324-499 against the City and County of San Francisco in the sum of \$20.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 13, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 406-76

RUBEN SANTOS VALENZUELA AND HIS ATTORNEYS
BAUTISTA, BAUTISTA, RODDY AND PICARDO

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Ruben Valenzuela in the sum of \$7,500.00 in Superior Court Action No. 685-879 entitled, "Ruben Valenzuela vs. City and County of San Francisco, et al., " as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: September 7, 1974.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 407 -76

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of \$8,883.00 from the following appropriation in the amount shown:

Appropriation No. 6.161.110.001.000 PERMANENT
SALARIES-Civilian \$8,883.00

and credit it to the following appropriation in the amount indicated:

Appropriation No. 6.161.110.001.000 PERMANENT
SALARIES - Civilian \$8,883.00

To reclassify one (1) vacant 8302 Police Matron position as one (1) 8217 Station Officer effective October 13, 1976.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 408-76

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY POLICE OFFICER CLARENCE N. WILLIAMS, PERSONNEL AND TRAINING, AT A BACKGROUND INVESTIGATIONS SEMINAR IN LONG BEACH, CALIFORNIA, FROM

AUGUST 9, 1976 TO AUGUST 12, 1976, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police, Police Officer Clarence N. Williams, Personnel and Training, received permission from the Police Commission to attend a Background Investigations Seminar in Long Beach, California, from August 9, 1976 to August 12, 1976, inclusive; and

WHEREAS, Police Officer Clarence N. Williams, did travel to San Diego, California, to attend said seminar from August 9, 1976 to August 12, 1976, inclusive; therefore be it

RESOLVED, that expenses in the amount of \$191.77 incurred by Police Officer Clarence N. Williams, while attending this seminar are hereby approved. Expenses will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

WEEKLY SICK REPORT

Chief Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, August 24, 1976 at 2400 hours, as follows:

	<u>PREVIOUS WEEK</u>	
Daily average for the week sick	49	48
Daily average for the week disabled	<u>114</u>	<u>105</u>
TOTALS	163	153

This is an increase of ten (10) members off duty daily from the previous week.

	<u>PREVIOUS WEEK</u>	
Daily percentage for the week sick	2.61	2.54
Daily percentage for the week disabled	<u>6.75</u>	<u>6.22</u>
TOTALS	9.36	8.76

Disabled at the start of week	114
Started during the week	17
Returned during the week	17
Disabled at the end of week	114
Net Gain or Loss	0

Sick and disabled for the week ending Saturday,
September 6, 1975 at 2400 hours:

Daily average for the week sick	43
Daily average for the week disabled	<u>79</u>
TOTAL	122
Daily percentage for the week sick	2.23
Daily percentage for the week disabled	<u>4.30</u>
TOTAL	6.53

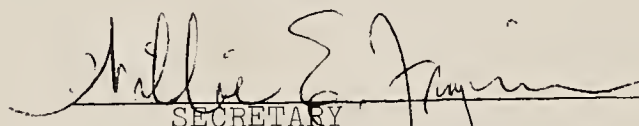
Sick and Disabled for the week ending Tuesday,
July 27, 1976 at 2400 hours:

Daily average for the week sick	47
Daily average for the week disabled	<u>103</u>
TOTAL	150
Daily percentage for the week sick	2.48
Daily percentage for the week disabled	<u>6.07</u>
TOTAL	8.55

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

The Commission then adjourned its meeting.



SECRETARY

DOCUMENTS

SEP 11 1976

8 SEPTEMBER 1976

REGULAR MEETING

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Minutes
The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, September 8, 1976 at 1730 hours, in regular session:

PRESENT: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of the meeting of Wednesday, September 8, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain at the request of Commissioner Ciani, reported on the removal of the police officer from the PAL Chinatown Center. He stated that in 1969 because of some police community problems the police department assigned a patrolman or, in essence, loaned him to PAL who in turn with cooperation from the Chinese Six Companies, established the Chinatown Recreation Center. He further stated that this patrolman remained at that center until May of this year, when he retired. He continued by saying that because of increased crime and demand for police services there has been an ongoing evaluation of the assignments of police personnel in the Department. Because of the reduction in police personnel during the last fiscal year and because this was a recreational program, it was decided that PAL should, if they desire to continue that arrangement, should do so either with a paid staff person, police or non-police, on their own to staff the center, or the Chinese Six Companies could hire a person to staff that Center. He further stated that the Police Department could no longer afford to maintain the assignment of a police officer there for basically a recreational program. He went on to state that there have been many activities previously undertaken by police men which are now discontinued, i.e., a two week golfing event where traditionally two policemen were assigned; policemen detailed to cultural activities of various sorts where they were assigned to opening car doors for various dignitaries in full uniform. It has been quite a drain on manpower. He stated that the elimination of these assignments are to carry out the goals of the Commission and that he feels strongly with the direction of the Commission to use police officers

to impact as much as possible upon serious crime with the provisions to direct police services.

Commissioner Siggins then thanked the Chief for his report.

At this time Ms. Abby Ginsberg with the Law Offices of Zaks and Harris, representing a complaining witness in the disciplinary hearing of Police Officer Peter R. Maloney, was given permission to speak to the Commission.

She wanted to know what could be done to persuade the Commission to keep Officer Maloney's hearing open to the public. She wanted the Commission to allow an attorney from her office to be present during the entire proceedings to evaluate whether or not a Civil Case in regards to their clients complaint should be pursued.

Sergeant David P. Roche, the Department's Legal Office, stated that a member of the City Attorney's Office should be present also if Ms. Ginsburg is planning to file Civil Damages.

Commissionr Siggins stated that since the attorney for Officer Maloney was not present, the Commission would put it over to next week, the night of the hearing, and allow both sides to present their arguments.

TRANSFER OF TAXICAB PERMIT - APPROVED

The matter of the transfer of the right to operate a taxicab by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions of ordinance applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFEE</u>	<u>NO. OF PERMITS</u>
Frederick A. Niccolls 1028 Sanchez Street San Francisco, Calif.	Tony K. Gor 63 Glover Street San Francisco, Calif.	1

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

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RESOLUTION NO. 423-76

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
(CHINATOWN RICKSHAW PERMIT) - HEARING TO REVOKE

WHEREAS, there was granted to Edmund L. Jung on August 10, 1964, a permit and/or license for the operation of three (3) Chinatown Rickshaws; and

WHEREAS, pursuant to an investigation conducted by the Vehicle Inspection Detail of the San Francisco Police Department, the Chief of Police was advised that Edmund L. Jung was not operating his Chinatown Rickshaws, and had not so operated said vehicles for a period in excess of ten (10) consecutive days and was, therefore, in violation of the provisions of Section 1079 of the Police Code; and

WHEREAS, Mr. Edmund L. Jung appeared before the Police Commission on Wednesday, July 30, 1975, Wednesday, October 4, 1975, Wednesday, December 10, 1975, Monday, February 9, 1976, Wednesday, March 17, 1976, Wednesday, June 9, 1976 and Wednesday, September 8, 1976, and each time requested an extension of time to allow him to resume his Chinatown Rickshaw Service; and

WHEREAS, the Police Commission feels that an additional extension of time should be granted to Mr. Jung because of planned public hearings to be held by the Police, Fire and Safety Committee of the Board of Supervisors which may bring about legislation and authorization for him to charge a higher fee for the passengers utilizing his rickshaw services; therefore be it

RESOLVED, that the request of Mr. Edmund L. Jung for an extension of time to which the Police Commission does hereby grant until rates are established by the Board of Supervisors which would enable him to resume his Chinatown Rickshaw service, be, and the same is hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 425-76

HEARING OF POLICE OFFICER HENRY J. FIKKERS, MISSION
POLICE STATION

WHEREAS, the hearing of Police Officer Henry J. Fikkers, was called, it having been set for this

date; and

WHEREAS, Mr. Stephen Bruce Bley, Attorney at Law, who is representing Police Officer Henry J. Fikkers, has requested a continuance of the hearing inasmuch as discovery has not yet been completed; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Henry J. Fikkers is set for Wednesday, September 29, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

HEARING OF POLICE OFFICER ROBERT C. MULRY, SOUTHERN POLICE STATION

The matter of the hearing of Police Officer Robert C. Mulry, Southern Police Station, was called, it having been set for this date. Police Officer Robert C. Mulry was charged with violating the Rules and Procedures of the San Francisco Police Department as follows:

SPECIFICATION NO.1

Excess Weight. (Violation of Section 2.36 of the Rules and Procedures of the San Francisco Police Department)

by Charles R. Gain, Chief of Police, San Francisco Police Department.

Police Officer Robert C. Mulry appeared in person and was represented by Sergeant Michael Hebel, San Francisco Police Officers' Association.

Police Officer Robert C. Mulry, Southern Police Station, entered through his attorney, a verbal plea of "guilty" with mitigating circumstances and with a request to show the reasonableness of the attempt to comply with the Rules.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Police Officer Robert C. Mulry
Southern Police Station

Police Officer Joseph C. Mollo
Physical Fitness Supervisor
Police Academy

There were no witnesses called by the Defense.

The Commission discussed the matter without leaving the bench and then rendered the following decision:

RESOLUTION NO. 426-76

DECISION - HEARING OF POLICE OFFICER ROBERT C. MULRY,
SOUTHERN POLICE STATION

WHEREAS, ON August 20, 1976, Charles R. Gain, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Robert C. Mulry, as follows:

SPECIFICATION NO. 1

- a) That on July 27, 1976, the accused was weighed by the Police Surgeon;
- b) That at the above stated time the accused did weigh 244 pounds;
- c) That the accused is 5' 11" tall;
- d) That the Police Surgeon did not grant any waiver from the weight limitations as stated in Rule 2.36 of the Rules and Procedures of the San Francisco Police Department;
- e) That because of the above-stated conduct, the accused did violate Section 2.36 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

<u>AGE 21 TO 65</u>				
<u>HEIGHT</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>	<u>10% ALLOWANCE</u>	<u>OVER 40</u>
5' 11"	152	198	218	201

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 8, 1976 and that on Wednesday, September 8, 1976 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Robert C. Mulry, Southern Police Station, as contained in Specification No. 1, are sustained by the evidence submitted at the hearing, and that Police Officer Robert C. Mulry has violated Section 2.36 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Robert C. Mulry be given ten (10) days suspension from duty without pay, however, said suspension is to be suspended, and he is to be placed on one (1) year probation with the provision that he report once a week for the first six (6) months, on his own time, to the Physical Fitness Supervisor and thereafter every two weeks on his own time for the second six (6) months to the Physical Fitness Supervisor; and be it further

RESOLVED, that it is the order of the Police Commission that Police Officer Robert C. Mulry report back to the Police Commission Wednesday, March 9, 1977, with his weight paired down to the required 218 pounds and if not he is to be immediately suspended for ten (10) days without pay; and be it further

RESOLVED, that it is the order of the Police Commission that Police Officer Robert C. Mulry report back to the Police Commission Wednesday, September 7, 1977, with his weight paired down to the required 218 pounds, and if not he is to be immediately suspended for ten (10) days without pay; and be it further

RESOLVED, that if Police Officer Robert C. Mulry complies with the above requirements with no further violations of Section 2.36 of the Rules and Procedures of the San Francisco Police Department, his probationary status will be, and the same hereby terminated.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

725 PORTOLA DRIVE - ONE HOUR MARTINIZING

- a) At 725 Portola Drive, revoke existing 22' yellow zone - (113'-135' west of Fowler Avenue.)

729 PORTOLA DRIVE - TOWER TV

- a) At 729 Portola Drive, revoke existing 22' yellow zone - (135' - 157' west of Fowler Avenue.)

2475 SACRAMENTO STREET - 3170 SACRAMENTO STREET -
3455, 3457, 3462, 3472 and 3485 SACRAMENTO STREET -
VARIOUS

- a) At 2475 Sacramento Street, revoke existing 23' yellow zone.
- b) At 3170 Sacramento Street, revoke existing 42' white zone.
- c) At 3455 Sacramento Street, revoke existing 42' green zone.
- d) At 3457 Sacramento Street, revoke existing 26' yellow zone.
- e) At 3462 Sacramento Street, revoke existing 19' green zone.
- f) At 3474 Sacramento Street, revoke existing 20' green zone.
- g) 3485 Sacramento Street, revoke existing 22' green zone.

HELD OVER FROM CALENDAR OF AUGUST 18th -
3600 16th STREET - THOMAS J. GLYNN CONSTRUCTION CO.

- a) At 3600 - 16th Street, install a 28' yellow zone, to extend from 62' - 90' north of Noe Street.

HELD OVER FROM CALENDAR OF SEPTEMBER 1, -
115 FOWLER AVENUE - SHEAR MADNESS - NOT APPROVED

- a) At 115 Fowler Avenue, install a 22' green zone, to extend from 63' - 85' east of Portola Drive.
(THIS ITEM WAS NOT APPROVED.)

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

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REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 238 feet of yellow, white and green zones at various parts of the City at the locations submitted be, and the same are hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 419-76

PREMIER INSURANCE COMPANY
(GEORGE TOM JR.)

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of the Premier Insurance Company (George Tom Jr.,) against the City and County of San Francisco in the sum of \$500.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: February 29, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 420-76

FIREMAN'S FUND INSURANCE COMPANY
(TERENCE J. CULLOTY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Fireman's Fund Insurance Company (Terence J. Culloty) against the City and County of San Francisco in the sum of \$100.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 27, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 421-76

ROBERT R. CRISPI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert

R. Crispi against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 8, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 422-76

ELEANOR ELLIOTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eleanor Elliott against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

- a) Department Secretary George Sully, Jr., Administration, for service, effective August 12, 1976.
- b) Lieutenant Clayton Mitchell, Traffic Administration, for service, effective August 18, 1976.
- c) Sergeant John MacGillivray, Central Police Station, for service, effective July 31, 1976.
- d) Inspector Charles J. Wettstein, Narcotics Bureau, for industrial disability, effective August 8, 1976.

- e) Inspector John J. Comisky, Crime Specific Task Force, for industrial disability, effective July 19, 1976.
- f) Police Officer Cornelius J. Lucey, Crime Specific Task Force, for industrial disability, effective September 1, 1976.
- g) Police Officer Edward P. Barry, Bureau of Criminal Information, for service, effective August 11, 1976.
- h) Sergeant William J. Hemby, Mission Police Station, for industrial disability, effective September 3, 1976.

The communications were ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

CALIFORNIA PEACE OFFICERS' TRAINING FUND

Chief of Police Charles R. Gain officially notified the Police Commission of the receipt by the San Francisco Police Department of a check in the amount of \$627.50 from the California Peace Officers' Training Fund as the Police Department's reimbursement from this fund for the training of newly appointed police officers and in-service training of officers of the department covering fourth quarter apportionment for the fiscal year 1975/76.

The Police Commission acknowledged receipt of the check by the San Francisco Police Department, and ordered that it be forwarded to the Controller for deposit in accordance with the provisions of Chapter 10, Section 10.117.3 of the Administrative Code of the City and County of San Francisco.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 424-76

AUTHORIZING ATTENDANCE OF SERGEANT JACK RODGERS,
NARCOTICS BUREAU, AT A DRUG ENFORCEMENT TRAINING
COURSE IN SAN JOSE, CALIFORNIA, FROM SEPTEMBER 13,
1976 TO SEPTEMBER 24, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the

Chief of Police that Sergeant Jack Rodgers, Narcotics Bureau, be detailed to attend a Drug Enforcement Training Course in San Jose, California, from September 13, 1976 to September 24, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Jack Rodgers, Narcotics Bureau, in a sum not to exceed \$295.00 in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

WEEKLY SICK REPORT

Chief of Police Charles R. Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, August 31, 1976 at 2400 hours, as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	56	49
Daily average for the week disabled	<u>109</u>	<u>114</u>
TOTALS	165	163

This is an increase of two (2) members off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	3.03	2.61
Daily percentage for the week disabled	<u>6.44</u>	<u>6.75</u>
TOTALS	9.47	9.36

Disabled at start of week	112
Started during the week	15
Returned during the week	14
Disabled at the end of week	113
Net Gain or Loss	+1

Sick and Disabled for week ending Saturday, September 13, 1975 at 2400 hours:

Daily average for the week sick	42
Daily average for the week disabled	<u>76</u>
TOTAL	118

Daily percentage for the week sick	2.18
Daily percentage for the week disabled	<u>4.14</u>
TOTAL	6.32

Sick and Disabled for the week ending Tuesday, August 3, 1976 at 2400 hours:

Daily average for the week sick	43
Daily average for the week disabled	<u>106</u>
TOTAL	149

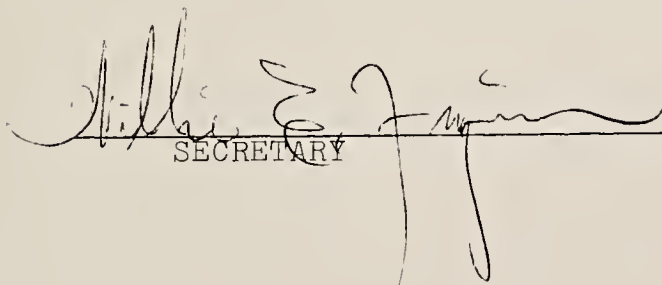
Daily percentage for the week sick	2.25
Daily percentage for the week disabled	<u>6.25</u>
TOTAL	8.50

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

The Police Commission acknowledged receipt of an additional complaint against San Francisco Police Officers submitted by Miranda Nelson, member of the White Panther Party.

The Commission then adjourned its meeting.



SECRETARY

DOCUMENTS

15 SEPTEMBER 1976

REGULAR MEETING

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, September 15, 1976 at 1730 hours, in regular session:

PRESENT: Commissioners Ciani, Hall, Murphy,
Siggins

ABSENT: Commissioner Gallegos

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of the meeting of September 8, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain reported on the recent controversy regarding Police Department Chaplain, Father John Heaney and his relationship to the Police Department and specifically with the Chief of Police. He stated that the matter had been resolved and that what had occurred was that he and Father Heaney had met this AM and had several hours of conversation and determined that there had been a misunderstanding. He continued by saying they decided to meet with the Archbishop and related to him that he (Chief) and Father did have mutual respect and shared goals and the appropriate resolution to the problem would be that he (Chief) re-appoint Father Heaney to the position of Assistant Chaplain and his Co-Assistant Chaplain would be Monsignor McKay. He further stated that the Archbishop approved and he was very happy to report this to the Commission at this time and to welcome Father Heaney back. He then asked Father Heaney if he cared to speak.

Father Heaney stated that he would, and went on to say that there has been a lot of controversy and after having met this AM with the Chief it was an inspiration to him. He further stated that he wanted to thank the Chief for his generosity and courage shown for this act, for if the Chief wanted to pursue the matter further he (Father) would probably lose out and it definitely was an

act of courage for the Chief to invite him back to continue to be a member of the San Francisco Police Department as Assistant Chaplain. He also stated that he wanted to thank the Police Officers who showed their support for him but he wanted to re-iterate that the turning point for him was the conversation he had this morning with Chief Gain. He stated that what happened in the past few weeks would not be detrimental to the morale of the Department but that as a result of what has happened could be of some help to improve the morale of officers from the patrol level to those of the upper levels of command and patrol. He then stated that once again he would like to express his deep appreciation of Chief Gain.

Commissioner Siggins stated to the Chief that the type of inspiration that he had given to Father Heaney as Father had pointed out is the type of inspiration that the Commission has felt should be given to people in the Department before they start making complaints. He stated that he recommended to all members of the Department, the Chaplains and attaches, that if they have a complaint, before they publicize it, discuss the matter with the Chief of Police. He further stated that it is certainly nice to have Father Heaney back because he certainly has been an inspiration to members of the Department for the last eight years and to have that continued service along with the anticipated service of Monsignor McKay is very gratifying. Monsignor McKay is located here in San Francisco and is on call at any time. He further stated that from a Roman Catholic viewpoint the Chaplain situation is well taken care of along with Father McGee who happens not to be in the best of health right now but the matter seems to be well covered. The Commissioner then thanked the Chief and stated that he was very pleased with the way the matter was solved.

The Chief then invited Chief McInerney to speak on the matter. Chief McInerney stated that some people did not realize or understand his close connection with Father Heaney. He stated that he and Father Heaney had been friends for many years are related, and call each other kissing cousins. He stated that when he learned of the lengthy conversation and its context between the Chief and Father Heaney, he was pleased to see the opportunity facing the Chief, Father Heaney and the Department for improvement of the quality of service and the morale within the Department because of the solution of the controversy in which they were involved.

The Chief then brought the Commission up to date on current crime statistics. He submitted to them the monthly crime summary for the month of August. He stated that it indicated a slight decrease in crime of 2.5%. He also stated that the Department has a backlog of theft reports which will be fed into the system and recorded which will show an increase for next month. He further stated that this year to date compared with last year, there is a 27% increase in serious crime. "The crime problem is there, we are still endeavoring

to fulfill our commitment with addressing our resources and programs to impact upon serious crime."

TRANSFER OF LIMOUSINE PERMIT - APPROVED

The matter of the transfer of the right to operate a limousine by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions of ordinance applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a limousine to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Laurence Dulbecco 49 Warren Drive San Francisco, Calif.	Associated Limousine Operators of San Francisco 1398 Bryant Street San Francisco, Calif.	2

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 431-76

AMENDMENT TO THE RULES AND PROCEDURES OF THE SAN FRANCISCO POLICE DEPARTMENT - DELETION OF RULES 2.181, 2.183 and 2.185 - (INDEBTEDNESS OF MEMBERS).

RESOLVED, that effective at 0001 hours, September 16, 1976, the following amendment to the Rules and Procedures of the San Francisco Police Department, be, and the same is hereby approved:

DELETE RULES 2.181, 2.183 and 2.185

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

AMENDMENT TO THE RULES AND PROCEDURES OF THE SAN FRANCISCO POLICE DEPARTMENT - AMENDING RULE 5.159 (SUSPENDED - LEAVE OF ABSENCE WITHOUT PAY.) - CONTINUED TO OCTOBER 6, 1976.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

AMENDMENT TO THE UNIFORM AND EQUIPMENT SPECIFICATIONS SECTION 1, PAGE 7, PATROL OFFICER'S MANUAL (UEI-7) WEARING OF THE UNIFORM NECKTIE - CONTINUED TO OCTOBER 6, 1976.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 434-76

POLICE OFFICER ROBERT COLMAN, SOUTHERN POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Robert Colman, Southern Police Station, as follows:

SPECIFICATION NO. 1

Off Duty-Intoxication. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Robert Colman, Southern Police Station, be, and the same is hereby set for Wednesday, September 22, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 435-76

POLICE OFFICER TIMOTHY J. HETTRICH, CRIME SPECIFIC
TASK FORCE.

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Timothy J. Hettrich, Crime Specific Task Force, as follows:

SPECIFICATION NO. 1

Drunk Driving. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Timothy J. Hettrich, Crime Specific Task Force, be, and the same is hereby set for Wednesday, September 22, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 436-76

HEARING OF POLICE OFFICER THOMAS GUERRINI, CENTRAL
POLICE STATION

WHEREAS, the hearing of Police Officer Thomas Guerrini, Central Police Station, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley and Sergeant David P. Roche, conferred and requested that this matter be put over to Wednesday, October 6, 1976, at which time it is expected that Police Officer Thomas Guerrini will have returned from his disability status; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer

Thomas Guerrini, Central Police Station, is set for Wednesday, October 6, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

Communications from The Greyline, Inc., requesting an additional extension of thirty (30) days to put their sightseeing business back into operation.

Sergeant David Roche of the Legal Office stated that after conferring with a member of the City Attorney's Office and reading Section 1079 of the MPC, it was determined that The Greyline, Inc., could not be given any more time than the ninety (90) days already granted by the Police Commission for this year. Mr. Allan Schuman, representing a cooperation by the name of Allan and Allan, stated that they were presently negotiating with Greyhound of Phoenix, Arizona for a 100% Share Transfer for Greyline, Inc., here in San Francisco. He further stated that there were members of the Drivers Union present also and that they would sign a contract to end the Driver's strike tonight. Mr. Jim Strachan of the Chauffeur's Union, who was also present, verified this fact.

Commissioner Siggins stated that there was really no further action the Commission could take in this matter not having the power to grant a further extension to Greyline, Inc., and would now watch for further developments of the matter of the proposed sale as related by Mr. Schuman.

HEARING OF POLICE OFFICER MORRIS A. MARTINDALE,
PERMIT BUREAU.

The hearing of Police Officer Morris A. Martindale, Permit Bureau, was called, it having been set for this date. Officer Martindale was charged with violating the Rules and Procedures of the San Francisco Police Department, as follows:

SPECIFICATION NO. 1

Neglect of Duty. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain,

Chief of Police of the San Francisco Police Department.

Police Officer Morris A. Martindale, appeared in person and was represented by Sergeant Michael Hebel, Attorney at Law.

Sergeant David P. Roche, Attorney at Law, assigned to the Police Department's Legal Office, appeared as the Prosecutor for the Police Department.

The reading of the Charges was waived.

Police Officer Morris A. Martindale, through his attorney, entered a verbal plea of "not guilty" to Specification No. 1.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Police Officer Morris A. Martindale
Permit Bureau

Mr. John LeHane
Retired, Sergeant of Police

After hearing testimony of Mr. LaHane, the former supervisor of Police Officer Morris A. Martindale, completely absolving Officer Martindale from the above Specification No. 1, the Police Commission and Chief of Police, at the request of the Prosecuting Attorney agreed to a withdrawal of all charges with prejudice.

The Police Commission then ordered that the above charges filed against Police Officer Morris A. Martindale, Permit Bureau, be, and the same deleted from his personnel files.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

HEARING OF POLICE OFFICER KENNETH R. MURRAY, PERMIT BUREAU.

The hearing of Police Officer Kenneth R. Murray, Permit Bureau, was called, it having been set for this date. Officer Murray was charged with vio-

lating the Rules and Procedures of the San Francisco Police Department, as follows:

SPECIFICATION NO. 1

Neglect of Duty. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police. of the San Francisco Police Department.

Police Officer Kenneth R. Murray, appeared in person and was represented by Sergeant Michael Hebel, Attorney at Law.

Sergeant David P. Roche, Attorney at Law, assigned to the Police Department's Legal Office, appeared as the Prosecutor for the Police Department.

The reading of the Charges was waived.

Police Officer Kenneth R. Murray, through his attorney, entered a verbal plea of "not guilty" to Specification No. 1.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Police Officer Morris A. Martindale
Permit Bureau

Mr. John LaHane
Retired, Sergeant of Police

After hearing testimony of Mr. LaHane, the former supervisor of Police Officer Kenneth R. Murray, completely absolving Officer Murray from the above Specification No.1, the Police Commission and Chief of Police, at the request of the Prosecuting Attorney agreed to a withdrawal of all charges with prejudice.

The Police Commission then ordered that the above charges filed against Police Officer Kenneth R. Murray, Permit Bureau, be, and the same deleted from his personnel files.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

HEARING OF POLICE OFFICER PETER R. MALONEY, SOUTHERN
POLICE STATION

The hearing of Police Officer Peter R. Maloney, Southern Police Station, was called, it having been set for this date. Police Officer Peter R. Maloney was charged with violating the Rules and Procedures of the San Francisco Police Department, as follows:

SPECIFICATION NO.1

Excessive Force. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to make a Report of a Criminal Matter. (Violation of Section 2.61 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by George Eimil, Captain of Police, Commanding Officer of Southern Police Station, San Francisco Police Department.

Police Officer Peter R. Maloney, appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Sergeant David P. Roche, Attorney at Law, and assigned to the Police Department's Legal Office, appeared as the Prosecutor for the Police Department.

The reading of the Charges was waived.

Police Officer Peter R. Maloney, entered, through his attorney, a verbal plea of "not guilty" to Specifications No. 1 and 2.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Mr. Henry L. Barrerra
3530-B - 23rd Street
San Francisco, California

Mr. Lawrence Mullen
3536 - 23rd Street
San Francisco, California

The following-named witness appeared for the Defense, was sworn and testified:

Mrs. Aida Hurtado
3532 - 23rd Street
San Francisco, California

It was stipulated by the attorney for the Prosecution and the attorney for the Defense that Officer Maloney had probable cause to make an arrest in this incident.

As no evidence was submitted to substantiate Specification No. 2, it was dismissed by the Commission.

A closing statement was then presented by Sergeant David P. Roche, Prosecuting Attorney.

A closing statement was also presented by Mr. Stephen Bruce Bley, Defense Attorney.

The Commission took the matter under submission and then recessed from 2245 hours to 2255 hours, after which time the following resolution was adopted:

RESOLUTION NO. 437-76

DECISION - HEARING OF POLICE OFFICER PETER R. MALONEY,
SOUTHERN POLICE STATION.

WHEREAS, on July 16, 1976, George Eimil, Captain of Police, Commanding Officer Southern Police Station, made and served charges against Police Officer Peter R. Maloney, as follows:

SPECIFICATION NO. 1

- a) That at or about 2100 hours on Saturday, February 28, 1976, the accused did accost a citizen at or near 3532-23rd Street in the City and County of San Francisco;
- b) That the accused informed the citizen that the citizen had raped the accused sister and forced the accused against the building at 3532 - 23rd Street;
- c) That the accused without lawful authority or any cause did strike the above-stated citizen;

SPECIFICATION NO. 2:

- d) That paragraphs (a), (b), and (c) of Specification No. 1 are incorporated in Specification No. 2, as though fully stated.
- e) That the accused, on Saturday, February 28, 1976, at or about 0100 hours, was informed by his sister-in-law, that she was the victim of assault that occurred at approximately 1900 hours, Friday, February 27, 1976;
- f) That the accused did not make a report relative to the assault until Saturday, February 28, 1976 at or about 2100 hours;
- g) That the report of the assault was made subsequent to the striking of the citizen as mentioned in paragraph one, and was made subsequent to the arrest of said citizen;
- h) That because of the above-stated conduct, the accused did violate Section 2.13 and 2.61 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:
 - 2.13 "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."
 - 2.61 "Shall, whether on or off duty, make written report to his commanding officer of any crime or other occurrence of a police nature, which comes to his attention and which has not already received the attention of some other member."

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 15, 1976, and that on Wednesday, September 15, 1976, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Peter R. Maloney, Southern Police Station, as contained in Specification No. 2 are not sustained by the evidence presented at the hearing and that Police Officer Peter R. Maloney has not violated Section 2.61 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Peter R. Maloney, Southern Police Station, as contained in Specification No. 1, are sustained by the evidence presented at the hearing and that Police Officer Peter R. Maloney violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Peter R. Maloney, has violated Specification No. 1, Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violation, Police Officer Peter R. Maloney, be suspended for forty-five (45) calendar days without pay, commencing Thursday, September 16, 1976, at 0001 hours and terminating Saturday, October 30, 1976 at 2400 hours.

Recesses taken during the
Hearing of Peter R. Maloney:

2220 hours to 2227 hours.
2245 hours to 2255 hours.
2302 hours to 2317 hours.

(The entire proceedings were taken
in shorthand form by Hearing Reporter
Dorsey A. McTaggart, C.S.R.)

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 438-76

HEARING OF POLICE OFFICER MARK E. HURLEY, BUREAU OF
CRIMINAL INFORMATION.

WHEREAS, the hearing of Police Officer Mark E. Hurley, Bureau of Criminal Information, was set for hearing on September 29, 1976; and

WHEREAS, Mr. Stephen Bruce Bley and Sergeant David P. Roche conferred and because of the pending absence of one (1) Commissioner on September 29, 1976 for which this matter had been scheduled, requested that it be put over to Wednesday, November 17, 1976, at which time it is expected that all Commissioners will be available and present; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Mark E. Hurley, Bureau of Criminal Information, is set for Wednesday, November 17, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION 439-76

HEARING OF POLICE OFFICER MICHAEL T. SUGRUE, BUREAU
OF CRIMINAL INFORMATION

WHEREAS, the hearing of Police Officer Michael T. Sugrue, Bureau of Criminal Information, was set for hearing on September 29, 1976; and

WHEREAS, Mr. Stephen Bruce Bley and Sergeant David P. Roche conferred and because of the pending absence of one (1) Commissioner on September 29, 1976 for which this matter had been scheduled, requested that it be put over to Wednesday, November 17, 1976, at which time it is expected that all Commissioners will be available and present; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael T. Sugrue, Bureau of Criminal Information, is set for Wednesday, November 17, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1660 GEARY STREET - JAPAN CENTER CAR WASH - CONTINUED
ONE WEEK

607 FRONT STREET - MACARTHUR PARK RESTAURANT

- a) At 607 Front Street, install a 28' white zone, to extend north of south property line.

830 BUSH STREET - S.F. FIRE DEPARTMENT

- a) At 830 Bush Street, install a 22' red zone, to extend east of present red zone - also remove parking meter BUSH-830.

3721 GEARY BOULEVARD - ARCTIC REFRIGERATION - CONTINUED
ONE WEEK.

685 ELLIS STREET - HARVARD HOTEL

- a) At 685 Ellis Street, install a 22' white zone, to extend from 41' - 69' east of Larkin - also remove meter ELLIS-643.

835 JACKSON STREET - CHINESE HOSPITAL

- a) At 835 Jackson Street, install a 60' white zone, to extend east of west property line. - also permission to display portable "No Parking" signs in conjunction with this white zone.

HELD OVER FROM CALENDAR OF AUGUST 18th -
1101 COLUMBUS AVENUE PACIFIC LUMBER

- a) At 1101 Columbus Avenue, install a 25' yellow zone, to extend from 10' - 35' west of Francisco Street.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 425-76

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY ASSISTANT INSPECTOR JAMES P. DEASY, INTELLIGENCE UNIT, TO ATTEND A CRIMINAL INTELLIGENCE DATA ANALYST COURSE, IN SACRAMENTO, CALIFORNIA, FROM AUGUST 23, 1976 TO SEPTEMBER 3, 1976, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police, Assistant Inspector James P. Deasy, Intelligence Unit, received permission from the Police Commission to attend the Criminal Intelligence Data Analyst Course at Sacramento, California; and

WHEREAS, Assistant Inspector James P. Deasy, did travel to Sacramento, California to attend said conference on August 23, 1976 to September 3, 1976, inclusive; therefore be it

RESOLVED, that expenses in the amount of \$360.00 incurred by Assistant Inspector James P. Deasy while attending this conference are hereby approved. Expenses will be defrayed by the Police Department's Police Officer's Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 426-76

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY POLICE OFFICER TIMOTHY T. SIMMONS, INTELLIGENCE UNIT, TO ATTEND A SURVEILLANCE EQUIPMENT TRAINING COURSE, IN SACRAMENTO, CALIFORNIA, FROM AUGUST 29, 1976 TO SEPTEMBER 3, 1976, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police, Police Officer Timothy T. Simmons, Intelligence Unit, received permission from the Police Commission to attend the Surveillance Equipment Training Course at Sacramento, California; and

WHEREAS, Police Officer Timothy T. Simmons did travel to Sacramento, California to attend said conference on August 29, 1976 to September 3, 1976, inclusive; therefore be it

RESOLVED, that expenses in the amount of

\$174.50 incurred by Police Officer Timothy T. Simmons, while attending this conference are hereby approved. Expenses will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 427-76

AUTHORIZING ATTENDANCE OF SERGEANT RALPH SCHAUMLEFFEL AND POLICE OFFICERS RICHARD CAIRNS, STEPHEN GUDELIJ, JOHN WILLETT, THOMAS VIGO AND ROBERT BULLARD, CRIME SPECIFIC TASK FORCE, TO ATTEND AN ADVANCED SPECIALIZED TACTICS COURSE (20 HOURS) AT FORT ORD, CALIFORNIA, FROM SEPTEMBER 14, 1976 TO SEPTEMBER 15, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Ralph Schaumleffel and Police Officers Richard Cairns, Stephen Gudelj, John Willett, Thomas Vigo and Robert Bullard, Crime Specific Task Force, be detailed to attend an Advanced Specialized Tactics Course (20 Hour) at Fort Ord, California, from September 14, 1976 to September 15, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Ralph Schaumleffel and Police Officers Richard Cairns, Stephen Gudelj, John Willett, Thomas Vigo and Robert Bullard, Crime Specific Task Force, in a sum not to exceed \$75.00 each in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 428-76

AUTHORIZING ATTENDANCE OF SERGEANT EDWARD EPTING AND POLICE OFFICERS DAVID BOWMAN, WILLIAM CAHILL, TIMOTHY HETTRICH, JERRY DONOVAN AND STEPHEN LUNDBERG, CRIME SPECIFIC TASK FORCE, TO ATTEND AN ADVANCED SPECIALIZED TACTICS COURSE (20 HOURS) AT FORT ORD, CALIFORNIA, FROM SEPTEMBER 27, 1976 TO SEPTEMBER 28, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Edward Epting and

Police Officers David Bowman, William Cahill, Timothy Hettrich, Jerry Donovan and Stephen Lundberg, Crime Specific Task Force, be detailed to attend an Advanced Specialized Tactics Course (20 Hours) at Fort Ord, California, from September 27, 1976 to September 28, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Edward Epting, and Police Officers David Bowman, William Cahill, Timothy Hettrich, Jerry Donovan and Stephen Lundberg, Crime Specific Task Force, in a sum not to exceed \$75.00 each in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 429-76

AUTHORIZING ATTENDANCE OF LIEUTENANT ARTHUR O'KEEFE, SERGEANT DAVID WINN, POLICE OFFICERS CHARLES BREWSTER, JEAN DONALDSON, JOHN GRIZZEL, GARY PETERS AND WILLIAM TAYLOR, CRIME SPECIFIC TASK FORCE, TO ATTEND AN ADVANCED SPECIALIZED TACTICS COURSE (20 HOURS) AT FORT ORD, CALIFORNIA, FROM SEPTEMBER 23, 1976 TO SEPTEMBER 24, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Arthur O'Keefe, Sergeant David Winn, Police Officers Charles Brewster, Jean Donaldson, John Grizzel, Gary Peters and William Taylor, Crime Specific Task Force, be detailed to attend an Advanced Specialized Tactics Course at Fort Ord, California from September 23, 1976 to September 24, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Arthur O'Keefe, Sergeant David Winn, and Police Officers Charles Brewster, Jean Donaldson, John Grizzel, Gary Peters and William Taylor, Crime Specific Task Force, in a sum not to exceed \$75.00 each in attending this course, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 430-76

AUTHORIZING ATTENDANCE OF POLICE OFFICERS FRANK REED (TEAM LEADER), THOMAS BLACKWELL, RICHARD HESSELROTH, RICHARD HOLDER, ROBERT HULSEY AND GREGORY WINTERS, CRIME SPECIFIC TASK FORCE, TO ATTEND AN ADVANCED SPECIALIZED TACTICS COURSE (20 HOURS) AT FORT ORD, CALIFORNIA, FROM SEPTEMBER 16, 1976 TO SEPTEMBER 17, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officers Frank Reed (team leader), Thomas Blackwell, Richard Hesselroth, Richard Holder, Robert Hulsey, and Gregory Winters, Crime Specific Task Force, be detailed to attend an Advanced Specialized Tactics Course at Fort Ord, California, from September 16, 1976 to September 17, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officers Frank Reed (team leader), Thomas Blackwell, Richard Hesselroth, Richard Holder, Robert Hulsey and Gregory Winters, Crime Specific Task Force, in a sum not to exceed \$75.00 each in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

WEEKLY SICK REPORT

Chief of Police Charles R. Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, September 7, 1976 at 2400 hours, as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	.41	56
Daily average for the week disabled	<u>115</u>	<u>109</u>
TOTALS	156	165

This is a decrease of nine (9) members off duty daily from the previous week.

	<u>PREVIOUS WEEK</u>	
Daily percentage for the week sick	2.44	3.03
Daily percentage for the week disabled	<u>6.84</u>	<u>6.44</u>
TOTALS	9.28	9.47

Sick and disabled for the week ending Saturday,
September 20, 1975 at 2400 hours:

Daily average for the week sick	53
Daily average for the week disabled	<u>71</u>
TOTAL	124
Daily percentage for the week sick	2.79
Daily percentage for the week disabled	<u>3.86</u>
TOTAL	6.65

Sick and Disabled for the week ending Tuesday,
August 10, 1976 at 2400 hours:

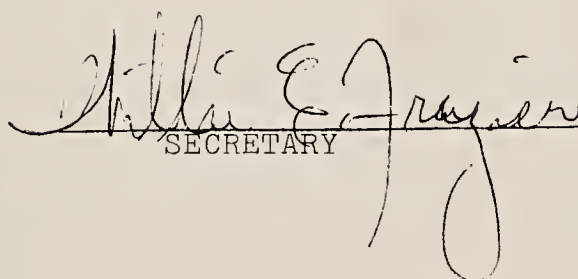
Daily average for the week sick	48
Daily average for the week disabled	<u>101</u>
TOTAL	149
Daily percentage for the week sick	2.54
Daily percentage for the week disabled	<u>5.97</u>
TOTAL	8.51

The report was ordered filed.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

The Commission then adjourned its meeting.



SECRETARY

19 SEPTEMBER 1976

SPECIAL MEETING

Minutes

The ~~Police~~ Commission of the City and County of San Francisco met at 2255 Washington Street, San Francisco, California, on Sunday, September 19, 1976 at 1700 hours in Special Session:

PRESENT: Commissioners Ciani, Murphy, Siggins

ABSENT: Commissioners Gallegos, Hall

Commissioner Siggins presiding.

The Special Meeting was conducted as follows:

Executive Session:

A. Personnel Matters.

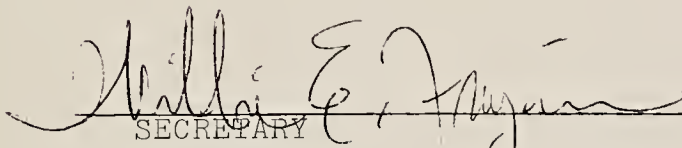
No Vote was Taken.

The Commission adjourned its meeting.

DOCUMENTS

OCT 5 1976

SAN FRANCISCO
PUBLIC LIBRARY



SECRETARY

DOCUMENTS

SEP 5 1976

22 SEPTEMBER 1976

REGULAR MEETING

SAN FRANCISCO
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Minutes

The ~~Police~~ Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, September 22, 1976 at 1730 hours, in regular session:

PRESENT: Commissioners Gallegos, Hall, Murphy, Siggins

ABSENT: Commissioner Ciani

Commissioner Siggins presiding.

The members of the Commission, not having been furnished copies of the minutes of the meeting of September 15, 1976 in time for approval at this meeting, moved approval of said minutes over one week to September 29, 1976.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain reported to the Commission on the condition of the vehicular equipment currently in use by this Department. He stated he personally inspected these vehicles and they are in fact, in bad shape. He continued by saying that he had conferred with Mr. Flaherty, the Superintendent at the Corporation Yard and he had promised to cooperate fully by putting on additional mechanics to get the Department's vehicles repaired. He further stated that the replacement policy under which the Department is now operating is not what it was a couple years ago which was to receive 40 cars a year for replacement of those vehicles with extensive mileage, in complete disrepair, or whatever. He stated that to address the problem of keeping the black and white vehicles off the street because of safety, he was ordering 13 unmarked vehicles recently purchased, to be painted black and white and installed with red lights to augment the black and white fleet. He also stated that to the extent that it becomes necessary, he will be assigning plain clothes vehicles to the patrol division. This, he stated, regardless of the number of cars that may be sidelined in need of repair, officers in patrol will have cars and can respond to citizens who request police services. He

stated that he was now preparing a letter to the Commission for forwarding to the Mayor and the Board of Supervisors, a statement of the problem that the Department's turnover rate, or number of replacement cars, is not adequate to abate the problem, and hopefully, that would result in getting a turnover rate where, based upon either age or mileage, the department could get rid of some of the worn out vehicles currently in use. He then stated that the other part of his report on the department vehicles is to get the Commission's approval to change the color of the police cars from the black to another color in the light blue range. The reason for this, he stated, is two fold, and that one is, black vehicles tend to show dirt and dust one day after cleaning. Another factor would be damage. As soon as the paint is cracked the white beneath the crack is readily apparent. So, he stated, going to a lighter color would make the cars more presentable. He then presented a color chart to the Commissioners with his recommendation for going to a lighter blue.

Commissioner Gallegos stated that he would like to make a motion to approve the recommendation of the Chief to change the patrol vehicles to a lighter blue with hope that the other aspects of his report do not go unnoticed, specifically, the deadlining of cars to make sure that they are safe for the operating personnel and the public.

Commissioner Murphy added by stating to the Chief to inform the Department and Staff of the reasons for the change and the fact that it would not increase the cost, to share with them the concern of this, either in a general order, informational bulletin or whatever.

The Chief stated that he would put out an informational bulletin and everyone would be informed of the decision made and why it was made.

The above motion was seconded by Commissioner Hall and unanimously approved by the Commission.

TRANSFER OF TAXICAB PERMIT - APPROVED

The matter of the transfer of the right to operate a taxicab permit by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions of ordinance applying thereto. The transferor and

transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Mr. Leo L. Bernstein 526-17th Avenue San Francisco, Calif.	Mr. Charles Morton Bernstein 1634 Page Street San Francisco, Calif.	1

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 445-76

PATROL SPECIAL OFFICER JACK FITZGERALD -REVOKED

RESOLVED, that the appointment of Jack Fitzgerald as Patrol Special Officer for Beat No. 83, Northern Police District, and Beat No. 96, Northern Police District, which overlaps into the Central Police District, be, and the same are hereby revoked effective September 22, 1976, he having sold his beats to Patrol Special Officer Ralph Grebmeier.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 446-76

PATROL SPECIAL OFFICER RALPH GREBMEIER - APPROVED

RESOLVED, that Ralph Grebmeier, be, and he is hereby appointed a Patrol Special Officer for Beat No. 83, Northern Police District, and Beat No.

96, Northern Police District, which overlaps into the Central Police District; said appointment effective September 22, 1976, he having purchased Beat No. 83, Northern Police District, and Beat No. 96, Northern Police District, which overlaps into the Central Police District, from Jack Fitzgerald.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

Commissioner Gallegos stated that he was in favor of the motion but he was asking that at a future date he would like an overall briefing on this kind of request and the framework by which it is granted. He further stated that he would like to have some background on the number of patrol special beats, how the fees are set and what services are provided to the customers.

AYES: Commissioners Hall, Murphy, Siggins.

NOT VOTING: Commissioner Ciani

POLICE COMMISSION DISCUSSION RELATIVE TO PROPOSAL TO MODIFY THE DEPARTMENTAL POLICY REGARDING CITATION RELEASE OF ALLEGED MISDEMEANOR OFFENDERS - CONTINUED FROM SEPTEMBER 1, 1976.

Chief Gain stated that this project, within the Department is almost consummated. He requested that it be put over for two weeks for the purpose of setting a date for a Public Hearing. He further stated that hopefully within the following week, the Department will have all of it's internal Staff recommendations resolved and then meet with Ms. Mary Vail and others who are proposing this matter. The Commission then agreed to continue the matter as requested by the Chief.

MATTER OF GREYLINE, INC.

Sergeant David P. Roche, from the Legal Office stated that the Department put this matter on the Calendar tonight solely for the establishment of a procedure of an orderly transfer of the Greyline, Inc., 43 permits. He stated that there was still some question as to whether the transfer of a stock ownership of a corporation is a transfer of the permits also or whether the permits stay with the corporation and

become merely a change of the ownership of the corporation. He stated that he discussed the matter with Mr. Kennealy at the City Attorney's Office and it was his opinion that it is also a transfer of the permits.

Mr. Allen Schuman representing the buyers stated that in dealing with the Public Utilities Commission that they had filed a disclosure of the new owners, their names and addresses and what not. He continued by saying the petition to transfer the certificates were not necessary for the Public Utilities Commission and they feel the same way in that the procedure they should use in so far as the Police Commission is concerned is the same type disclosure statement as used for the Public Utilities Commission. He then stated that however, if they must provide a petition to the Commission for the transfer of those certificates then they would be happy to do so.

The Commission advised Mr. Schuman that the procedure for the transfer of the permits would be the same as that used for the transfer of permits to operate other vehicles of Public Convenience and Necessity, such as taxicabs, jitney busses and limousines. Mr. Schuman agreed and stated that he would confer tomorrow morning with Sergeant David Roche in order to avail himself of the established procedure.

RESOLUTION NO. 447-76

RECOMMENDATIONS OF THE AWARDS COMMITTEE - APPROVED

RESOLVED, that the following-named members of the Police Department be, and they are hereby granted Awards of Valor - Silver Medal, Bronze Medal, and Meritorious Conduct Award under the provisions of Section 5.119 of the Rules and Procedures of the San Francisco Police Department as approved by the Awards Committee on Friday, September 17, 1976:

Police Officer Dale J. Berliner	Silver Medal of Valor
Police Officer Ronald C. Black	Silver Medal of Valor
Police Officer Robert J. Brodnik Resigned	Silver Medal of Valor
Police Officer Donald W. Brewer	Silver Medal of Valor
Police Officer Michael E. Connors	Silver Medal of Valor
Police Officer Ronald P. Kern	Silver Medal of Valor
Police Officer Albert N. Maracci	Silver Medal of Valor

Police Officer Paul F. Makaveckas	Silver Medal of Valor
*Police Officer James W. Meyer	Silver Medal of Valor
Police Officer John T. Murphy	Silver Medal of Valor
Police Officer Reno L. Rapagnani	Silver Medal of Valor
*Police Officer Albert G. Squair	Silver Medal of Valor
**Assistant Inspector Don D. Daniels	Bronze Medal of Valor
Assistant Inspector Marvin V. Dean	Bronze Medal of Valor
Assistant Inspector Napoleon L. Hendrix	Bronze Medal of Valor
Police Officer Lynne M. Atkinson	Bronze Medal of Valor
Police Officer Gregory Corrales	Bronze Medal of Valor
Police Officer Daniel A. Hampton	Bronze Medal of Valor
Police Officer Donald I. Hensic	Bronze Medal of Valor
Police Officer Marion D. Jackson	Bronze Medal of Valor
Police Officer Michael A. Keys	Bronze Medal of Valor
Police Officer Paul F. Makaveckas	Bronze Medal of Valor
Police Officer Douglas C. Ramsey	Bronze Medal of Valor
Police Officer James W. Bloesch	Meritorious Conduct Award
Police Officer Steven R. Hansen	Meritorious Conduct Award

* Changed from Bronze Medal of Valor to Silver Medal of Valor on recommendation of Police Commission.

** Awarded two (2) Bronze Medals of Valor.

Commissioner Siggins pointed out the fact that Patrol Officer Lynne Atkinson was the first female patrol officer to receive a Medal of Valor Award. He stated

that Officer Atkinson while working as a trainee was confronted with an armed suspect who pointed a weapon at the Officer and her partner, Patrol Officer Douglas Ramsey. The officers knocked the weapon from the suspects hand, engaged him in a struggle as he attempted to retrieve it and subsequently subdued and arrested him. Both officers received Bronze Medals of Valor.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 448-76

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following-named members of the Police Department have been commended for courageous service under the provisions of Section 5.119 of the Rules and Procedures of the San Francisco Police Department at a meeting of the Police Commission held on Friday, September 17, 1976; and

WHEREAS, Chief of Police Charles R. Gain has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a) of the Charter of the City and County of San Francisco; therefore be it ...

RESOLVED, that Police Officers Dale J. Berliner, Ronald C. Black, Robert J. Brodnik, Donald W. Brewer, Michael E. Connors, Ronald P. Kerns, Albert N. Maracci, Paul F. Makaveckas, James W. Meyer, John T. Murphy, Reno L. Rapagnani, and Albert G. Squair, be, and they are hereby awarded Silver Medals of Valor, and granted a reward of \$100.00 each as provided for under said section of the Charter; and be it further

RESOLVED, that Assistant Inspector Don D. Daniels (awarded two (2) Bronze Medals of Valor; \$50 for each award); Assistant Inspector Marvin V. Dean, Assistant Inspector Napoleon L. Hendrix, Police Officers Lynne M. Atkinson, Gregory Corrales, Daniel A. Hampton, Donald I. Hensic, Marion D. Jackson, Michael A. Keys, Paul F. Makaveckas, and Douglas C. Ramsey, be, and they are hereby awarded Bronze Medals of Valor and granted a reward of \$50.00 each as provided for under said section of the Charter; and be it further

RESOLVED, that Police Officers James W. Bloesch and Steven R. Hansen, be, and they are hereby awarded Meritorious Conduct Awards and granted a

reward of \$50.00 each as provided for under said section of the Charter.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 449-76

LIEUTENANT LORIN D. CLEM, INGLESIDE POLICE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Lieutenant Lorin D. Clem, Ingleside Police Station, as follows:

SPECIFICATION NO. 1

Intoxicated while On Duty.
(Violation of Section 2.125
of the Rules and Procedures
of the San Francisco Police
Department.)

by Charles R. Gain, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing before the Police Commission on charges filed against Lieutenant Lorin D. Clem, Ingleside Police Station, be, and the same is hereby set for Wednesday, September 29, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 450-76

HEARING OF POLICE OFFICER GEORGE MOISSANT, TARAVAL POLICE STATION

WHEREAS, the hearing of Police Officer George Moissant, Taraval Police Station, was called, it having been set for this date; and

WHEREAS, Mr. George Engler, attorney for Police Officer George Moissant, stated via telephone, that since Officer Moissant is still undergoing medical treatment for his condition, that a hearing at this time would be detrimental to his health; therefore

be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer George Moissant, is set for Wednesday, November 24, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 451-76

HEARING OF POLICE OFFICER MARIO DILORENZO, INGLESIDE
POLICE STATION

WHEREAS, the hearing of Police Officer Mario DiLorenzo, Ingleside Police Station, was called, it having been set for this date; and

WHEREAS, Sergeant David P. Roche, attorney for the Prosecution, requested a continuance in the hearing of Police Officer Mario DiLorenzo, inasmuch as the key witness did not appear; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Mario DiLorenzo is set for Wednesday, December 1, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

HEARING OF POLICE OFFICER TIMOTHY J. HETTRICH, CRIME
SPECIFIC TASK FORCE

The hearing of Police Officer Timothy J. Hettrich, Crime Specific Task Force, was called, it having been set for this date. Police Officer Timothy J. Hettrich was charged with violating the Rules and Procedures of the San Francisco Police Department, as follows:

SPECIFICATION NO. 1

Drunk Driving (Violation of Section
2.13 of the Rules and Procedures of
the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain,
Chief of Police of the San Francisco Police Depart-
ment.

Police Officer Timothy J. Hettrich appeared
in person and was represented by Sergeant Edward L.
Epting,

Sergeant David P. Roche, Attorney at Law,
and assigned to the Police Department's Legal Office,
appeared as the Prosecutor for the Police Department.

The reading of the Charges was waived.

Sergeant Edward L. Epting, on behalf of
Police Officer Timothy J. Hettrich, entered a ver-
bal plea of "guilty" to Specification No. 1, with
an explanation.

An opening statement was made by Sergeant
Edward L. Epting.

The following-named witnesses appeared for
the Defense, were sworn and testified:

Police Officer John F. Devine
Special Assistant to the Chief of Police

Supervising Captain of Patrol
Donald L. Taylor

A closing statement was then presented by
Sergeant Edward L. Epting.

Sergeant David Roche waived closing argu-
ment, but stipulated that Police Officer's Hettrich's
personnel file, as read by Police Officer John F. Devine,
be submitted into evidence.

The Commission took the matter under submission
and then recessed from 1910 hours to 1917 hours, after
which the following resolution was adopted:

RESOLUTION NO. 452-76

DECISION - HEARING OF POLICE OFFICER TIMOTHY J. HETTRICH, CRIME SPECIFIC TASK FORCE

WHEREAS, on September 2, 1976, Charles R. Gain, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Timothy J. Hettrich, as follows:

SPECIFICATION NO. 1

- a) That on Saturday, July 17, 1976, at or about 0205 hours, the accused was involved in an accident on State Side Road No. 1, 200 feet south of Reina Del Mar, in the City of Pacifica, County of San Mateo, California;
- b) That peace officers from the City of Pacifica investigated this accident and determined that the accused was under the influence of alcohol;
- c) That the passenger in the vehicle struck by the accused suffered severe injury;
- d) That the accused was subsequently arrested for violation of Section 23101 of the Vehicle Code of the State of California;
- e) That because of the above-stated conduct, the accused did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 22, 1976, and that on Wednesday, September 22, 1976, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Timothy J. Hettrich, Crime Specific Task Force, as contained in Specification No. 1, are sustained by the evidence presented at the hearing and that Police Officer Timothy J. Hettrich did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Timothy J. Hettrich has violated Specification No. 1, Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violation, Police Officer Timothy J. Hettrich be admonished for violating Specification No. 1, Section 2.13 of the Rules and Procedures of the San Francisco Police Department.

At this time Sergeant Roche advised the Commission that issuing an admonishment was one of the penalties that they could not give in a disciplinary case; however, it would be proper if Officer Hettrich withdrew his plea of guilty and submit a plea of "not guilty," thus allowing the Police Commission to issue the admonishment.

Police Officer Hettrich withdrew his plea of guilty and submitted a plea of "not guilty," to Specification No. 1; therefore be it

RESOLVED, that it is the order of the Police Commission that for said violation, Police Officer Timothy J. Hettrich, be admonished for violating Specification No. 1, Section 2.13, of the Rules and Procedures of the San Francisco Police Department.

Recess taken during the hearing
of Police Officer Timothy J.
Hettrich:
1910 hours to 1917 hours.

(The entire proceedings were taken
in shorthand form by Hearing
Reporter Dorsey A. McTaggart, C.S.R.)

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

HEARING OF POLICE OFFICER ROBERT COLMAN, SOUTHERN POLICE
STATION.

The hearing of Police Officer Robert Colman, Southern Police Station, was called, it having been set for this date. Police Officer Robert Colman was charged with violating the Rules and Procedures of the San Francisco Police Department, as follows:

SPECIFICATION NO. 1

Off-Duty Intoxication. (Violation
of Section 2.125 of the Rules and
Procedures of the San Francisco
Police Department.)

in a properly verified complaint by Charles R. Gain,
Chief of Police, San Francisco Police Department.

Police Officer Robert Colman appeared in
person and was represented by Sergeant Michael Hebel.

Sergeant David P. Roche, Attorney at Law
and assigned to the Police Department's Legal Office,
appeared as the Prosecutor for the Police Department.

The reading of the Charges was waived.

Sergeant Michael Hebel, on behalf of Police
Officer Robert Colman, entered a verbal plea of "guilty"
to Specification No. 1.

An opening statement was made by Sergeant
Michael Hebel.

It was stipulated by both attorneys that
Officer Colman's arrest by other members of the Police
Department was under extremely aggravated circum-
stances.

The following-named witnesses appeared for the Defense, were sworn and testified:

Police Officer John F. Devine
Special Assistant to the Chief of Police

Captain George Eimil
Commanding Officer
Southern Police Station

Sergeant Roche read into the record excerpts from Officer Colman's personnel file.

A closing statement was then presented by Sergeant Michael Hebel.

The Commission took the matter under submission and then recessed from 2011 hours to 2024 hours, after which the following resolution was adopted:

RESOLUTION NO. 453-76

DECISION - HEARING OF POLICE OFFICER ROBERT COLMAN,
SOUTHERN POLICE STATION

WHEREAS, on September 15, 1976, Charles R. Gain, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Robert Colman, as follows:

SPECIFICATION NO. 1

- a) That at or about 2142 hours on Tuesday, August 31, 1976, you were within #17 Barcelona Street in the City and County of San Francisco;
- b) That because of your activity within these premises, officers from the Park Police Station were required to remove you from these premises;
- c) That you were subsequently arrested for violation of Section 647f of the California Penal Code;
- d) That because of the above-stated conduct, the accused did violate Section 2.125 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"Shall not, while on duty or in uniform, drink any kind of intoxicating liquor or whether on or off duty be under the influence of intoxicating liquor to such an extent that he will not always be prepared to exercise police powers and be entrusted with the performance of police duty in a calm, deliberate manner."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 22, 1976, and that on Wednesday, September 22, 1976, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Robert Colman, Southern Police Station, as contained in Specification No. 1, are sustained by the evidence presented at the hearing and that Police Officer Robert Colman violated Section 2.125 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Robert Colman has violated Specification No. 1, Section 2.125 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violation Police Officer Robert Colman be suspended for ninety (90) calendar days, but forty-five (45) days of said suspension are to be suspended on the following condition:

- 1) That Police Officer Robert Colman be suspended for a period of forty-five (45) calendar days commencing Monday, September 13, 1976 at 1100 hours and terminating on Wednesday, October 27, 1976 at 2400 hours.
- 2) That Police Officer Robert Colman serve a probationary period of one (1) year and participate in the Police Department's Alcoholic Abuse Program, and that Police Officer John F. Devine, Special Assistant to the Chief of Police, report to the Police Commission at the end of one year on Officer Colman's progress and condition. If Officer Colman's record is unblemished, his probationary status will be dismissed.

Recess taken in the Hearing of
Police Officer Robert Colman:

2011 hours to 2024 hours.

(The entire proceedings were taken
in shorthand form by Hearing Reporter
Dorsey A. McTaggart, C.S.R.)

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED, that the recommendations of the
Traffic Bureau on the installation of zoning for the
regulation of traffic on the public streets, be, and
the same are hereby approved:

288 TURK STREET - PEERLESS GENERAL SUPPLY CO.

- a) At 288 Turk Street, install a 22' yellow
zone, to extend from 15' - 37' west of
east property line - (also remove parking
meter TURK-242.)

1500 HYDE STREET - CHAN'S TRAINS & HOBBIES

- a) At 1500 Hyde Street, install a 20' green
zone, to extend from 15' - 35' north of
the south property line.

3600 - 16th STREET - CARACOLE RESTAURANT

- a) At 3600 - 16th Street, install a 22'
white zone, to extend from 40' - 62'
north of Noe.

1601 HAIGHT STREET & 1603 HAIGHT STREET-OWNER

- a) At 1601 Haight Street, install a 22'
white zone, to extend west of the
east property line.
- b) At 1603 Haight Street, install a 66'
yellow zone, to extend from 22' - 88'
west of the east property line.

121 CAPP STREET - LENTOM GENERAL

- a) At 121 Capp Street, install a 38' yellow zone, to extend north of south property line.

1853 MARKET STREET - FLASHBACK ANTIQUES

- a) Revoke 24' yellow zone at 1853 Market Street. - (6' - 30' east of west property line.)

625 NATOMA STREET - KORET OF CALIFORNIA

- a) At 625 Natoma Street, install a 22' yellow zone, to extend from 4' - 26' east of the west property line.

350 BROADWAY - WASHINGTON IRVING ELEMENTARY SCHOOL

- a) At 350 Broadway, install a 22' white zone, to extend west of existing white zone.

HELD OVER FROM CALENDAR OF SEPTEMBER 15, 1976 -
1660 GEARY STREET - JAPAN CENTER CAR WASH -

- a) At 1660 Geary Street, install a 44' yellow zone, to extend from 51' - 95' west of driveway.

TO PUT OUT "NO PARKING" SIGNS FOR ONLY DAYS
AND HOURS OF DELIVERIES AND REMOVE THE SIGNS
AFTER DELIVERIES HAVE BEEN MADE.

HELD OVER FROM CALENDAR OF SEPTEMBER 15, 1976 -
3721 GEARY BOULEVARD - ARCTIC REFRIGERATION

- a) At 3721 Geary Boulevard, install a 44' yellow zone, to extend west of the east property line - (also remove parking meters GEARY-3711 and 3713.)

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 24 feet of yellow zones at locations in the City submitted, be, and the same is hereby approved.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 432-76

MICHAEL R. O'HARRAN AND HIS ATTORNEY
JOHN C. SMITH, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Michael R. O'Harran in the sum of \$1,000.00 in Superior Court Action No. 675-056 entitled, "Michael R. O'Harran vs. City and County of San Francisco, et al," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 10, 1973

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 433-76

CALIFORNIA STATE AUTOMOBILE ASSOCIATION INTER-INSURANCE
BUREAU AND THEIR ATTORNEYS STAIGER, YANK, MOLINELLI AND
PRESTON

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of California State Automobile Association in the sum of \$328.19 in Municipal Court Action No. 705-829, entitled "California State Automobile Association v. City and County of San Francisco," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 19, 1973

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 440-76

AUTHORIZING ATTENDANCE OF CAPTAIN J. WILLIAM CONROY, LIEUTENANT RICHARD D. KLAPP, AND SERGEANT GERALD G. DOANE, PERSONNEL AND TRAINING, TO ATTEND A P.O.S.T. SUPERVISORY CURRICULUM REVISION COMMITTEE CONFERENCE AT LOS ANGELES, CALIFORNIA, FROM SEPTEMBER 30, 1976 TO OCTOBER 1, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Captain J. William Conroy, Lieutenant Richard D. Klapp, and Sergeant Gerald G. Doane, Personnel and Training, be detailed to attend a P.O.S.T. Supervisory Curriculum Revision Committee Conference at Los Angeles, California, from September 30, 1976 to October 1, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Captain J. William Conroy, Lieutenant Richard D. Klapp, and Sergeant Gerald G. Doane, Personnel and Training, will be directly defrayed by the Commission on Peace Officers Standards and Training.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 441-76

AUTHORIZING ATTENDANCE OF LIEUTENANT RICHARD D. KLAPP, POLICE ACADEMY, TO ATTEND AN ANNUAL TRAINING OFFICERS' INSTITUTE IN MONTEREY, CALIFORNIA, FROM OCTOBER 13, 1976 TO OCTOBER 15, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Richard D. Klapp, Police Academy, be detailed to attend an Annual Training Officers' Institute in Monterey, California, from October 13, 1976 to October 15, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Richard D. Klapp, Police Academy, in a sum not to exceed \$115.00 in attending this Institute will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 442-76

AUTHORIZING ATTENDANCE OF POLICE OFFICERS DIRK J. BEIJEN, JAMES W. BERGSTROM, ANTHONY J. CAMILLERI, ROGER A. FARRELL, WESLEY E. HAYES, AND PHILIP F. POVEY, PARK POLICE STATION, AT AN ADVANCED SPECIALIZED TACTICS COURSE (20 HOURS TRAINING) AT FORT ORD, MONTEREY, CALIFORNIA, FROM SEPTEMBER 30, 1976 TO OCTOBER 1, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officers Dirk J. Beijen, James W. Bergstrom, Anthony J. Camilleri, Roger A. Farrell, Wesley E. Hayes, and Philip F. Povey, Park Police Station, be, detailed to attend an Advanced Specialized Tactics Course (20 Hours Training) at Fort Ord, Monterey, California, from September 30, 1976 to October 1, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officers Dirk J. Beijen, James W. Bergstrom, Anthony J. Camilleri, Roger A. Farrell, Wesley E. Hayes, and Philip F. Povey, Park Police Station, in a sum not to exceed \$75.00 each in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 443-76

AUTHORIZING ATTENDANCE OF CRIMINOLOGIST SHOJI HORIKOSHI, CRIME LABORATORY AT THE FOURTH ANNUAL SYMPOSIUM ON CRIME LABORATORY DEVELOPMENT AT QUANTICO, VIRGINIA, FROM OCTOBER 11, 1976 TO OCTOBER 15, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Criminologist Shoji Horikoshi, Crime Laboratory, be detailed to attend the Fourth Annual Symposium on Crime Laboratory Development at Quantico, Virginia, from October 11, 1976 to October 15, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Criminologist Shoji Horikoshi, Crime Laboratory, in attending this Symposium will be defrayed by the Federal Bureau of Investigation.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

RESOLUTION NO. 444-76

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major*

AUTHORIZING ATTENDANCE OF POLICE OFFICERS GARY A. ELSEN BROIGH, JAMES B. HALL, ROBERT I. PAYNE, GILE A. PURSLEY, DAVID ROCCA FORTE, STEPHEN J. VENTERS AT AN ADVANCED SPECIALIZED TACTICS COURSE (20 HOURS TRAINING) AT FORT ORD, MONTEREY, CALIFORNIA, FROM OCTOBER 7, 1976 TO OCTOBER 8, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officers Gary A. Eisenbroich, James B. Hall, Robert I. Payne, Gile A. Pursley, David Roccaforte, Stephen J. Venters, Ingleside Police Station, be detailed to attend an Advanced Specialized Tactics Course (20 Hours Training) at Fort Ord, Monterey, California, from October 7, 1976 to October 8, 1976, inclusive, be, and the same is hereby approved; and be it further

inc. See

RESOLVED, that expenses incurred by Police Officers Gary A. Eisenbroich, James B. Hall, Robert I. Payne, Gile A. Pursley, David Roccaforte, Stephen J. Venters, Ingleside Police Station, in a sum not to exceed \$75.00 each in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Gallegos, Hall, Murphy, Siggins

NOT VOTING: Commissioner Ciani

WEEKLY SICK REPORT

Chief of Police Charles R. Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, September 14, 1976 at 2400 hours, as follows:

	<u>PREVIOUS WEEK</u>	
Daily average for the week sick	50	41
Daily average for the week disabled	<u>112</u>	<u>115</u>
TOTALS	162	156

This is an increase of six (6) members off duty daily from the previous week.

	<u>PREVIOUS WEEK</u>	
Daily percentage for the week sick	2.51	2.44
Daily percentage for the week disabled	<u>6.69</u>	<u>6.84</u>
TOTALS	9.20	9.28

Disabled at start of week	112
Started during the week	21
Returned during the week	19
Disabled at the end of week	114
Met Gain or Loss	+2

SICK AND DISABLED FOR THE WEEK ENDING SATURDAY,
SEPTEMBER 27, 1975 AT 2400 HOURS:

Daily average for the week sick	46
Daily average for the week disabled	<u>74</u>
TOTAL	120
Daily percentage for the week sick	2.42
Daily percentage for the week disabled	<u>4.02</u>
TOTAL	6.44

SICK AND DISABLED FOR THE WEEK ENDING TUESDAY,
AUGUST 17, 1976 AT 2400 HOURS:

Daily average for the week sick	48
Daily average for the week disabled	<u>105</u>
TOTAL	153
Daily percentage for the week sick	2.54
Daily percentage for the week disabled	<u>6.22</u>
TOTAL	8.76

The report was ordered filed.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

SERGEANT RICHARD A. MOHR - IN MEMORIUM

A communication was received from Chief of Police Charles R. Gain, officially notifying the Police Commission of the death of Sergeant Richard A. Mohr, Central Warrant Bureau, who died on Thursday, September 16, 1976.

The Communication was ordered filed.

AYES: Commissioners Gallegos, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Ciani

The Commission then adjourned its meeting
in memory of Sergeant Richard A. Mohr.

Hollie E. Fyfe

29 SEPTEMBER 1976

REGULAR MEETING

= Minutes

The ~~Police~~ Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, September 29, 1976 at 1730 hours, in regular session:

PRESENT: Commissioners Ciani, Hall, Murphy,
Siggins

DOCUMENTS

ABSENT: Commissioner Gallegos

OCT 26 1976

Commissioner Siggins presiding.

SAN FRANCISCO
PUBLIC LIBRARY

The members of the Commission, having been furnished copies of the minutes of the meetings of September 15, 1976, September 19, 1976 and September 22, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain submitted a written report to the Commission regarding the status of the current 76/77 budget. This report, he stated, is the result of the Mayor's decision to reduce the Police Department budget by 1-1/2 million dollars. He stated that this will necessitate the unfunding of 108 positions in the police department. He further stated that this will also decrease the Holiday Pay funds by \$100,000 and most regrettable, the discontinuation of the Police Cadet Program as of the 12th of October. He stated that many of the Cadets had been going to school with the hope of coming directly into the police department when reaching twenty-one. He stated that it was a sad thing to do, but unfortunately necessary or the department would have been in a position where it may have had to eventually lay off sworn police officers or other permanent employees. He continued by saying in terms of numbers of personnel, the last fiscal year, the Department lost about 200 and now another 58 positions will be unfunded. He stated that the Department is continually losing strength and the problems are mounting and the effective strength of the Department is being reduced. He stated that in recognition of that factor it is his responsibility to do the best he can with the materials at hand. He further stated that in that regard staff meetings are being held for the purpose of transferring from various units other than patrol sergeants and patrolmen into the patrol division so as to have as many officers on the street as

possible to respond to citizens request for service.

Commissioner Siggins thanked the Chief for his report.

TRANSFER OF TAXICAB PERMIT - APPROVED

The matter of the transfer of the right to operate a taxicab by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions of ordinance applying thereto. A Consent of Transfer in the matter of the Estate of John E. Dadian, deceased, dated June 22, 1976, and signed by the Office of the State Controller, San Francisco, State of California, was presented to the Police Commission. The transferee appeared in person and was not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFEREE</u>	<u>NO. OF PERMITS</u>
Estate of John E. Dadian, deceased 49 Paloma Street Corte Madera, California	Mary B. Dadian 49 Paloma Street Corte Madera, California	1

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

REQUEST OF THE CHIEF OF POLICE FOR AUTHORIZATION OF THE POLICE COMMISSION TO ENTER INTO A CONTRACT FOR THE PROFESSIONAL SERVICES OF DR. MIMI H. SILBERT FOR THE PURPOSES OF DESIGNING, IMPLEMENTING, MONITORING AND EVALUATING A TRAINING PROGRAM FOR THE SAN FRANCISCO POLICE DEPARTMENT.

Chief Gain stated that he would hope that the Commission would act favorably upon this request. He further stated that what it amounts to is that over a period of time he has been evaluating the Recruit, Supervisory and Advanced Officers Schools and found that all are in need of substantial revision. He stated that fortunately in San Francisco today we have Dr. Mimi Silbert, who is a very accomplished person. He stated that he asked her to submit a proposal so that she could become the consultant to work with the Department and be principally in charge of revising the Department's various training programs.

The Chief then introduced Dr. Silbert to the Police Commission. Further discussion was held on the matter after which the following resolution was adopted:

RESOLUTION NO. 478-76

AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO A CONTRACT FOR THE PROFESSIONAL SERVICES OF DR. MIMI H. SILBERT FOR THE PURPOSES OF DESIGNING, IMPLEMENTING, MONITORING AND EVALUATING A TRAINING PROGRAM FOR THE SAN FRANCISCO POLICE DEPARTMENT.

WHEREAS, the Police Commission, upon presentation by the Chief of Police, has determined that the Department's training curricula are in need of revision; and

WHEREAS, the Commission has determined that the department does not possess sufficient personnel and resources to conduct this revision itself;

BE IT THEREFORE RESOLVED, that the Police Commission hereby authorizes the Chief of Police to contract for the professional services of Dr. Mimi H. Silbert for purposes of designing, implementing, monitoring, and evaluating a training program for the San Francisco Police Department; and

BE IT FURTHER RESOLVED, that expenses not to exceed \$62,397.00 incurred in the performance of this contract be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

REQUEST OF PATROL SPECIAL OFFICER JOHN CANDIDO FOR RECONSIDERATION BY THE POLICE COMMISSION ON THE SALE OF BEATS NOS. 83 AND 96, APPROVED BY THE POLICE COMMISSION MEETING OF SEPTEMBER 22, 1976.

The Commission held a general discussion regarding the transfer of these two Patrol Special beats. Present were Officer Candido and his attorney, Mr. Jeremiah O'Shea, Officer John Fitzgerald and his attorney Mr. Martin H. Eber, Officer Ralph Grebmeier, the buyer and third party in the transaction. Officer

Candido's attorney argued that his client had an option to buy the beats and that the sale should not be consummated until the matter is clarified in Civil Court. Officer Fitzgerald's attorney argued that whatever agreement his client may have had with Mr. Candido had been breeched because of non-payment and that he was also pursuing the matter in Civil Court. The Commission stated that they needed more time to study the case and put it over for three weeks at which time they would reconsider the sale of these two beats from Officer Fitzgerald to Officer Grebmeier. It was further stated that Officer Grebmeier, at this time, is the official owner of said beats.

MR. RAYMOND SCHONHOLTZ, COMMUNITY BOARD PROGRAM

Mr. Schonholtz stated that he had made significant progress with his Community Board Program since he was last before the Commission. He stated that he had sent members of the Commission the last proposal and he hoped the Commission had had a chance to review it. He stated that what he wanted to do this evening was to give the Commission a brief overview of the progress that he had made to date.

Since the June meeting, the following development had taken place; "Funding-wise I think we have attracted a significant amount of interest around the United States. The reason being is that there is a considerable interest in experimenting with the idea of citizen involvement in the Criminal Justice issues and specifically the question around the idea of having a neighborhood of small geographic units involved with different types of criminal conduct both adults and juvenile. One of the most intriguing aspects of the proposal is that it covers adults and not only juveniles. One of the most advanced is in Seattle where they have had a Board for the last three years.

What we have done since June is this, we originally received \$10,000 dollars from the Bobby Kennedy Memorial as part of the general assistance grant. Since then we have received another fifty-five thousand dollars from various other foundations within and without the City."

The project has developed from a very rudimentary concept to something far more solid and concrete at this point. He stated that some areas of the program had not been completed and that they were starting the selection of Board Members tomorrow. He further stated that they are actively considering Visitation Valley as the first area for the Board Program. The second area would perhaps be the Haight-Ashbury, the Richmond District or the North Beach area. He stated that they were also working very closely with the Citizens Safety Project.

Commissioner Murphy asked a series of questions relative to the proposal. They were:

1.- What preparation or training would the Community Boards receive prior to the hearings?

Mr. Schonholtz said his group were preparing training material so that the Boards would know how to operate.

2.- Were any safeguards put up against individuals chosen for the Community Boards not abusing their power?

There was no real answer to this question, except that Mr. Schonholtz said he was aware of the danger.

3.- Would the Boards be selected somewhat like members of a jury.

The answer was somewhat except that prospective members drawn at random within their geographical areas would be interviewed as to their willingness and availability to serve.

4.- Clarification was requested with respect to the statement that there would be listings of referral programs within the Boards district. Commissioner Murphy pointed out that there might not be an appropriate referral program "within the district" but one might be equally available somewhere else in the city.

The reply was that wherever there was an appropriate referral program available it would be used and it was not meant to confine the service to any specific geographical boundary.

5.- A question as to the omission of a representative from the District Attorney's Office on the Managing Board was raised.

Mr. Schonholtz replied that a report from the District Attorney's Office would be added.

6.- Mr. Schonholtz was asked to provide the exact boundaries of the various Districts where such Boards would be set up.

7.- Some questions were raised on the proposed Budget, but since the budget was very tentative, these were not answered.

Chief Gain stated if it was appropriate, he would recommend that the Commission endorse the Community Board Program in principal.

The motion to endorse was then made by Commissioner Ciani and seconded by Commissioner Hall and unanimously approved by the Commission.

RESOLUTION NO. 479-76

DATE TO BE SET FOR HEARING OF LIEUTENANT LORIN D. CLEM, INGLESIDE POLICE STATION.

WHEREAS, the date to be set for the disciplinary hearing of Lieutenant Lorin D. Clem, Ingleside Police Station, was called; and

WHEREAS, Sergeant David P. Roche, Legal Office, and Mr. Stephen Bruce Bley, attorney for Lieutenant Lorin D. Clem, conferred and requested the Police Commission to set October 6, 1976 as the date for Lieutenant Clem's hearing; therefore be it

RESOLVED, that the date for the setting of the disciplinary hearing before the Police Commission for Lieutenant Lorin D. Clem, Ingleside Police Station, be, and the same is hereby set for Wednesday, October 6, 1976 at 1500 hours, in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

HEARING OF POLICE OFFICER HENRY J. FIKKERS, MISSION POLICE STATION.

The hearing of Police Officer Henry J. Fikkers, Mission Police Station was called, it having been set for this date. Police Officer Henry J. Fikkers was charged with violating the Rules and Procedures of the San Francisco Police Department, as follows:

SPECIFICATION NO. 1

Reflecting Discredit Upon the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police of the San Francisco Police Department.

Police Officer Henry J. Fikkers appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Sergeant David P. Roche, Attorney at Law, and assigned to the Police Department's Legal Office, appeared as the Prosecutor for the Police Department.

The reading of the Charges was waived.

Police Officer Henry J. Fikkers entered, through his attorney, a verbal plea of "not guilty" to Specification No. 1.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Michele Bowler
964 Eddy Street
San Francisco, California

Kenneth Zug
520 South Van Ness Avenue
San Francisco, California

Police Officer Henry J. Fikkers
Mission Police Station

A closing statement was then presented by Sergeant David P. Roche, Prosecuting Attorney.

A closing statement was also presented by Mr. Stephen Bruce Bley, Defense Attorney.

The Commission took the matter under submission and then recessed from 1933 hours to 1945 hours, after which time the following resolution was adopted:

RESOLUTION NO. 480-76

DECISION - HEARING OF POLICE OFFICER HENRY J. FIKKERS,
MISSION POLICE STATION.

WHEREAS, on August 24, 1976, Charles R. Gain Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Henry J. Fikkers, as follows:

SPECIFICATION NO. 1

- a) That on June 29, 1976, at or about 2200 hours, the accused was in a bar known as the "Council Inn," located at 2947 - 16th Street, San Francisco;
- b) That while in the bar, the accused observed a female whom he knew, together with two male companions;
- c) When said female and her two male companions left the bar, the accused followed them outside;
- d) The accused thereupon, without lawful authority, conducted a search of the bedrolls of the two males and the purse of the female;
- e) Because of the above-stated conduct, the accused did violate Section 2.13 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 29, 1976, and that on Wednesday, September 29, 1976, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Henry J. Fikkers, Mission Police Station, as contained in Specification No. 1, are sustained by the evidence presented at the hearing and that Police Officer Henry J. Fikkers has violated Section 2.13 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Henry J. Fikkers has violated Specification No. 1, Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violation, Police Officer Henry J. Fikkers be suspended for twenty (20) calendar days without pay, commencing Thursday, September 30, 1976 at 0001 hours and terminating Tuesday, October 19, 1976 at 2400 hours.

Recess taken during the hearing
of Police Officer Henry J. Fikkers:

1933 hours to 1945 hours.

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. McTaggart, C.S.R.)

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2144 FOLSOM STREET - MATT'S AUTO BODY

- a) At 2144 Folsom Street, 24' green zone, from 36' - 60' north of south property line.

2148 FOLSOM STREET - B & E TRANSMISSION

- a) At 2148 Folsom Street, install a 37' green zone, to extend from 109' - 146' south of the north property line.

665 HARRISON STREET - RECORDING ARTS COLLEGE

- a) At 665 Harrison Street, install a 22' Blue Zone, from 20' - 42' east of west property line.

420 FRANCISCO STREET - AQUARIUM-LIVESTOCK & SUPPLIES

- a) At 420 Francisco Street, install a 22' yellow zone, west of east property line.

500 LAUREL STREET - PRIVATE HOME

- a) Extend present 30' red zone 45' south - toward Euclid.

514 SOUTH VAN NESS AVENUE - MISSION HOTEL

- a) At 514 South Van Ness Avenue, revoke 34' yellow zone.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 34 feet of yellow zones at locations in the City submitted, be, and the same is hereby approved.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 454-76

ARGENTINA ANDONI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Argentina Andoni against the City and County of San Francisco in the sum of \$168.35 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: June 30, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 455-76

FRANCISCA R. BAYSA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Francisca R. Baysa against the City and County of San Francisco in the sum of \$250.29 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: July 1, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 456-76

BRIAN D. BYWATER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brian D. Bywater against the City and County of San Francisco in the sum of \$27.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 457-76

MARILYN N. CLARK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marilyn N. Clark against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 25, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 458-76

ROBERT J. CORT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert J. Cort against the City and County of San Francisco in the sum of \$20.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 459-76

HOWARD FEIN

REWSLVED, that the recommendation of the City Attorney for settlement of the claim of Howard Fein against the City and County of San Francisco in the sum of \$21.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 460-76

ANNA KRCOFALO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anna Krcofalo against the City and County of San Francisco in the sum of \$32.05 as the result of damages sustained be, and the same is hereby approved.

Date of Incident: July 22, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 461-76

WILLIAM LEVIN

RESOLVED: that the recommendation of the City Attorney for settlement of the claim of William Levin against the City and County of San Francisco in the sum of \$45.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 6, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 462-76

PHILIP MAHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip Maher against the City and County of San Francisco in the sum of \$105.47 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: May 18, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 463-76

ANNE MCGLONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anne McGlone against the City and County of San Francisco in the sum of \$23.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 21, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 464-76

ELEANOR K. OBERZIL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eleanor K. Oberzil against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 11, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 465-76

ARMANDO S. VIDES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Armando S. Vides against the City and County of San Francisco in the sum of \$58.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 5, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 466-76

REQUEST TO TRANSFER ALLOTTED FUNDS

RESOLVED, that the Controller be, and he is hereby requested to transfer \$10,000 from allotted funds in Appropriation No. 6.161.959.000.000 (Peace Officers' Training Fund) to allotted funds in Appropriation No. 6.161.959.111.000 (Peace Officers' Training Fund - Extra Duty) to cover anticipated payrolls.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 467-76

POLICE NARCOTIC FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$4,000 charging same to Appropriation No. 6.161.890.050 as an advance on the Police Narcotics Fund for the month of October, 1976.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 468-76

POLICE CONTINGENT FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$3,000 charging same to Appropriation No. 6.161.890.000 as an advance on the Police Contingent Fund for the month of October, 1976.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 469-76

AUTHORIZING ATTENDANCE OF CAPTAIN JOHN A. MAHONEY, PARK POLICE STATION, CAPTAIN CHARLES A. SCHULER, INVESTIGATIONS BUREAU, CAPTAIN J. WILLIAM CONROY, PERSONNEL AND TRAINING AND CAPTAIN RENE C. AUFORT, MISSION POLICE STATION, AT AN EXECUTIVE DEVELOPMENT COURSE IN BURLINGAME, CALIFORNIA, FROM OCTOBER 24, 1976 TO NOVEMBER 5, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Captain John A. Mahoney, Park Police Station, Captain Charles A. Schuler, Investigations Bureau, Captain J. William Conroy, Personnel and Training, and Captain Rene C. Aufort, Mission Police Station, be detailed to attend an Executive Development Course in Burlingame, California, from October 24, 1976 to November 5, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Captain John A. Mahoney, Park Police Station, Captain Charles A. Schuler, Investigations Bureau, Captain J. William Conroy, Personnel and Training, and Captain Rene C. Aufort, Mission Police Station, in a sum not to exceed \$393.80 each in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 470-76

AUTHORIZING ATTENDANCE OF POLICE OFFICERS JOSEPH K. ALLEGRO, LARRY BARSETTI, CROCE A. CASCIATO, JOSEPH KENNEDY, VINCE NEESON, CENTRAL POLICE STATION, AND MARK A. POTTER, SOUTHEAST POLICE STATION, AT AN ADVANCED SPECIALIZED TACTICS COURSE (20 HOURS TRAINING) AT FORT ORD, MONTEREY, CALIFORNIA, FROM OCTOBER 19, 1976 TO OCTOBER 20, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officers Joseph K. Allegro, Larry Barsetti, Croce A. Casciato, Joseph Kennedy, Vince Neeson, Central Police Station, and Mark A. Potter, Southeast Police Station, be detailed to attend an Advanced Specialized Tactics Course (20 Hours Training) at Fort Ord, Monterey, California, from October 19, 1976 to October 20, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officers Joseph K. Allegro, Larry Barsetti, Croce A.

Casciato, Joseph Kennedy, Vince Neeson, Central Police Station, and Mark A. Potter, Southeast Police Station, in a sum not to exceed \$75.00 each in attending this course will be defrayed by the Police Département's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 471-76

AUTHORIZING ATTENDANCE OF POLICE OFFICERS DAVID L. DENNIS, FORREST M. FULTON, MICHAEL L. GONSOLIN, MICHAEL J. GRIFFIN, RICHARD M. HUDDLESTON, AND MICHAEL J. YALON AT AN ADVANCED SPECIALIZED TACTICS COURSE (20 HOURS TRAINING) AT FORT ORD, MONTEREY, CALIFORNIA, FROM OCTOBER 26, 1976 TO OCTOBER 27, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer David L. Dennis, Forrest M. Fulton, Michael L. Gonsolin, Michael J. Griffin, Richard M. Huddleston, and Michael J. Yalon, be detailed to attend an Advanced Specialized Tactics Course (20 hours training) at Fort Ord, Monterey, California, from October 26, 1976 to October 27, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officers David L. Dennis, Forrest M. Fulton, Michael L. Gonsolin, Michael J. Griffin, Richard M. Huddleston, and Michael J. Yalon, in a sum not to exceed \$75.00 each in attending this course, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 472-76

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police

Department for expenses incurred in attending the below indicated program; said expenses having been approved by the Chief of Police, be, and the same are hereby approved:

Sergeant Ralph Schaumleffel	)	(Advanced Spec-
	)	(ialized Tactics
Police Officer Richard J. Cairns	)\$75.00	(Course, (20 Hours
	) each	(Training) at Fort
Police Officer Stephen Gudelj	)	(Ord, Monterey,
	)	(California, from
Police Officer Robert T. Bullard	)	(September 14, 1976
	)	(to September 15, 1976,
Police Officer Thomas Vigo	)	(inclusive.
)	
Police Officer John Willett)	

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 473-76

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below indicated program; said expenses having been approved by the Chief of Police, be, and the same are hereby approved:

Police Officer Robert Hulsey	)	(Advanced Special-
	)	(ized Tactics Course,
Police Officer Gregory Winters	)\$75.00	((20 Hours Training),
	) each	(at Fort Ord, Monterey,
Police Officer Thomas Blackwell	)	(California, from
	)	(September 16, 1976
Police Officer Richard Holder	)	(to September 17, 1976,
	)	(inclusive.
Police Officer Richard Hesselroth)	
)	
Police Officer Frank Reed)	

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

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RESOLUTION NO. 474-76

AUTHORIZING ATTENDANCE OF ASSISTANT INSPECTOR CLARENCE CONNELLY, INTELLIGENCE UNIT, TO ATTEND A SPECIALIZED SURVEILLANCE EQUIPMENT TRAINING COURSE, AT SACRAMENTO, CALIFORNIA, FROM OCTOBER 3, 1976 TO OCTOBER 9, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Assistant Inspector Clarence Connelly, Intelligence Unit, be detailed to attend a Specialized Surveillance Equipment Training Course, at Sacramento, California, from October 3, 1976 to October 8, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Assistant Inspector Clarence Connelly, Intelligence Unit, in a sum not to exceed \$174.20 in attending this course, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 475-76

AUTHORIZING ATTENDANCE OF INSPECTOR DAVID KELLOGG, INTELLIGENCE UNIT, AT AN ORGANIZED CRIME INFORMANT DEVELOPMENT AND MAINTENANCE TRAINING COURSE, AT SACRAMENTO, CALIFORNIA, FROM NOVEMBER 14, 1976 TO NOVEMBER 19, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Inspector David Kellogg, Intelligence Unit, be detailed to attend an Organized Crime Informant Development and Maintenance Training Course, at Sacramento, California, from November 14, 1976 to November 19, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspector David Kellogg, Intelligence Unit, in a sum not to exceed \$174.20 in attending this course, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 476-76

AUTHORIZING ATTENDANCE OF INSPECTOR THOMAS F. TYRELL, INTELLIGENCE UNIT, AT AN ORGANIZED CRIME INFORMANT DEVELOPMENT AND MAINTENANCE TRAINING COURSE AT SACRAMENTO, CALIFORNIA, FROM OCTOBER 18, 1976 TO OCTOBER 22, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Inspector Thomas F. Tyrell, Intelligence Unit, be detailed to attend an Organized Crime Informant Development and Maintenance Training Course, at Sacramento, California, from October 18, 1976 to October 22, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspector Thomas F. Tyrell, Intelligence Unit, in a sum not to exceed \$174.20 in attending this course, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 477-76

AUTHORIZING ATTENDANCE OF SERGEANT BILL R. TAYLOR, INTERNAL AFFAIRS BUREAU, AT THE CALIFORNIA ASSOCIATION OF POLYGRAPH EXAMINERS' SEMINAR IN SACRAMENTO, CALIFORNIA, FROM OCTOBER 2, 1976 TO OCTOBER 3, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Bill R. Taylor, Internal Affairs Bureau, be detailed to attend a Polygraph Examiners' Seminar in Sacramento, California, from October 2, 1976 to October 3, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Bill R. Taylor, Internal Affairs Bureau, in a sum not to exceed \$50.00 in attending this Seminar, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

WEEKLY SICK REPORT

Chief of Police Charles R. Gain, submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, September 21, 1976 at 2400 hours as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	76	50
Daily average for the week disabled	<u>111</u>	<u>112</u>
TOTALS	187	162

This is an increase of twenty-five (25) members off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	3.94	2.51
Daily percentage for the week disabled	<u>6.61</u>	<u>6.69</u>
TOTALS	10.55	9 20

Disabled at start of week	108
Started during the week	12
Returned during the week	13
Disabled at the end of week	107
Net Gain or Loss	-1

Sick and Disabled for the week ending, Saturday, October 4, 1976 at 2400 hours:

Daily average for the week sick	56
Daily average for the week disabled	<u>77</u>
TOTAL	133

Daily percentage for the week sick	2.92
Daily percentage for the week disabled	<u>4.20</u>
TOTAL	7.12

Sick and Disabled for the week ending Tuesday, August 24, 1976 at 2400 hours:

Daily average for the week sick	49
Daily average for the week disabled	<u>114</u>
TOTAL	163

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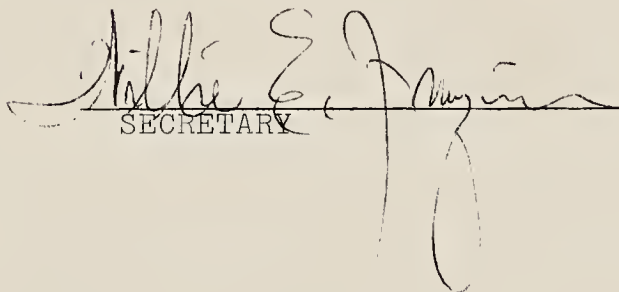
Daily percentage for the week sick	2.61
Daily percentage for the week disabled	<u>6.75</u>
TOTAL	9.36

The report was ordered filed.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

The Commission then adjourned its meeting.



SECRETARY

DOCUMENTS

OCT 29 1976

6 OCTOBER 1976

REGULAR MEETING

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Minutes

The ~~Police~~ Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, October 6, 1976 at 1500 hours, in regular session:

PRESENT: Commissioners Gallegos, Murphy, Siggins

ABSENT: Commissioners Ciani, Hall

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of the meeting of September 29, 1976, did not approve same at this meeting but continued said approval to the meeting of October 20, 1976.

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain reported to the Commission on the aftermath of the budget cuts by the Mayor and the Finance Committee of the Board of Supervisors. He stated that approximately 3 million dollars of the Department's Budget, i.e., salary, fringe benefits, holiday time, etc., will cause a certain number of positions to go unfilled because of not having the salaries to immediately pay for them. He further stated that in discussions with the Mayor's Office and Mr. Nothenberg and with the Finance Committee representative, it appears that the Department will, because money is accruing from salary savings, be able to hire personnel as soon as vacancies do occur. He stated that the department can redesignate the rank or position in which it desires to fill, as for example, presently 18 sergeants' positions are unfunded and the department does have a dire need for that supervision and leadership, so we could chose to hire sergeants first or whomever we determine. He also stated it is his further understanding that there will no longer be a freeze on positions so that when vacancies are available we can submit requisitions and they will be filled without any further delay.

Commissioner Siggins then thanked the Chief for his report.

HEARING TO DETERMINE WHETHER OR NOT FORTY-THREE (43) SIGHTSEEING PERMITS ISSUED TO THE GRAY LINE, INC., SHOULD BE REVOKED AS RECORDS INDICATE THEIR PERMITS ARE NOT BEING OPERATED IN COMPLIANCE WITH SECTION 1079 OF THE MUNICIPAL CODE (CONTINUOUS OPERATION - REVOCATION PROVIDED FOR.)

Mr. J. Thomas Rosch, attorney for the Grayline, Inc., appeared before the Police Commission and stated that they understood and appreciated the Commission's concern about the Grayline's inability to provide sightseeing tours in San Francisco during the labor dispute. He stated that he was here to outline the Grayline's legal position to the Commission. He continued by saying there is no legal basis for the Commission to revoke the Graylines sightseeing permits under Section 1079 of the Municipal Police Code. He stated that there were several reasons for this and that it was clear from Section 1079 and from later provisions in the Code that the revocation language in Section 1079 does not apply to sightseeing permits. He stated that the revocation language applies only to persons, firms or corporations within the purview of Section 1075 to 1081 of the Police Code. He stated that holders of sightseeing permits are not such persons, firms or corporations. He then stated that the Sections governing sightseeing permit holders are Sections 1165 to 1181. He continued by reading Section 1175 of the Municipal Police Code which he stated would be more appropriate for revoking Sightseeing Permits. He then stated that even if Section 1079 was applicable, it would be applicable only when there is an abandonment of service and that is the second point he would like to emphasize. He stated that there isn't, nor has there been any abandonment of Grayline in the operation of its permits. Finally, he stated, that if the Commission revoked the Grayline Permits because of the current strike they are suffering, it would violate Federal Law. He stated that Labor disputes are governed by a comprehensive set of Federal Laws. He stated that the Supreme Court has held many times that those laws pre-empt State and Local Laws and that State and Local authorities can't take actions which impact upon labor disputes. He further stated that they were not courting a confrontation with the Police Commission, but like he stated at the outset, they understood the concerns of the Commission about the lack of legal per capita sightseeing operations in San Francisco today. He stated that revocation would not solve that problem, but what it would do would be to deprive San Francisco of the only company that is qualified above all others under the Code's rigorous standards for per capita sightseeing operations.

Commissioner Murphy stated that of course the Commission would now have to look into these aspects as pointed out by Mr. Rosch. In the meantime she believes the Commission should proceed with its plan to develop the criteria for the issuance of Temporary permits.

Further discussions were held as to when the strike may be settled between the Grayline and Local 265 Union Drivers. Mr Jim Strachan, Secretary-Treasurer of Local 265, Mr. Bob Franchi, Business Representative, Local 265, Mr. Chalmie Alhadeff, Grayline Driver, Mr. Charlie Barker, Grayline Driver, Mr. James Mulpeters, President of the Graylines, Inc., all spoke on the conditions of the strike and its progress. Commissioner Siggins asked if there were any objections to having Mayor Moscone enter the negotiations in an attempt to settle the strike. Mr. Mulpeters and Mr. Strachan both stated they would be happy to have the Mayor step in and settle their differences.

Mr. Allen Schuman asked to speak before the Commission. He stated that he was the legal representative, council and attorney for Allen and Allen Corporation. He continued by saying he would like to make his position known to the Union members present and to the Commission. He said his corporation has dealt in good faith from the inception of the idea that they could possibly take over and control operations of the Greyhound, Inc., who is the parent and holding company of the Graylines here. He further stated that they negotiated what they believed was an equitable contract and met each and every one of Greyhounds conditions and Greyhound have not met the conditions that they were suppose to meet. He continued by saying that in five hours they hammered out a contract with the men of the labor union and their representatives and they have and continue to state that they will abide by that contract. He then stated that at this time he would petition under the Commission's emergency powers that Allen and Allen Corporation be allowed to operate under those 43 permits and that he believed the men of the Union would immediately start to work as soon as they walked out of the door and Allen and Allen would immediately start their management role.

Commissioner Murphy then asked Lieutenant Thomas Dempsey of the Department's Permit Bureau if there had been any progress with the plans for the issuance of Temporary Sightseeing Permits. The Lieutenant responded by saying that plans had been made to form a committee of interested persons to work out appropriate requirements. Commissioner Murphy then inquired as to whether any letters of intent to file for Temporary Permits had been received. About 150 have been. The Lieutenant further stated a list of operators, companies and drivers had been drawn up and could be included in any committee activity. Commissioner Murphy then stated that the Department should get started with the plan as a parallel to what is happening with Grayline, Inc. Commissioner Murphy agreed to act as the representative of the Police Commission upon the request of Commission President Siggins.

Commissioner Siggins then stated that the Grayline revocation would be continued for another three weeks because a challenge has been made to the Commission's right to revoke Graylines 43 permits at this stage and that it is a legal problem that the Commission must investigate and attempt to have resolved.

AMENDMENT TO THE RULES AND PROCEDURES OF THE SAN FRANCISCO POLICE DEPARTMENT - AMENDING RULE 5.159 (SUSPENDED - LEAVE OF ABSENCE WITHOUT PAY.) - CONTINUED FROM SEPTEMBER 15, 1976.

There was a general discussion regarding items 5 and 6. The problem being that the Police Commission and Police Officers' Association are at an impasse as to where to conduct their meet and confer sessions. The Chief suggested that the Commission write to the Association and advise them that the Commission would meet and confer with them in the Hall of Justice and if they did not respond favorably, that the Commission then should proceed to adopt the above foregoing rule amendments. Commissioner Gallegos stated that he thought that would be a good thing to do, however, before doing so he would suggest that the rank and file officers be given notice of the Department's intent to adopt said amendments. Commissioner Siggins stated that he would prepare the letter and continue items numbers 5 and 6 to October 20, 1976.

AMENDMENT TO THE UNIFORM AND EQUIPMENT SPECIFICATIONS-SECTION 1, PAGE 7, PATROL OFFICER'S MANUAL (UEI-7), WEARING OF THE UNIFORM NECKTIE - CONTINUED FROM SEPTEMBER 15, 1976 - CONTINUED TO OCTOBER 20, 1976.

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

SETTING OF DATE FOR PUBLIC HEARING RELATIVE TO ADOPTING A PROPOSAL TO MODIFY THE DEPARTMENTAL POLICY REGARDING CITATION RELEASE OF ALLEGED MISDEMEANOR OFFENDERS - CONTINUED TO OCTOBER 20, 1976.

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

RESOLUTION NO. 486-76

POLICE OFFICER VLADIMIR SHEGOLEFF, TARAVAL POLICE STATION - CONTINUED OFF CALENDAR.

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Vladimir Shegoleff,

Taraval Police Station, was called; and

WHEREAS, Sergeant David P. Roche, Legal Office, stated that because of charges to be filed against another Police Officer currently on disability and involved in the same incident, the Department is requesting that the setting of the date for this hearing be continued off calendar; therefore be it

RESOLVED, that because of the above-stated circumstances, the date for the setting of the disciplinary hearing before the Police Commission for Police Officer Vladimir Shegoleff, Taraval Police Station, be, and the same is hereby continued off calendar.

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

RESOLUTION NO. 487-76

POLICE OFFICER DONALD FORTE, TARAVAL POLICE STATION - CONTINUED OFF CALENDAR.

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Donald Forte, Taraval Police Station, was called; and

WHEREAS, Sergeant David P. Roche, Legal Office, stated that because of charges to be filed against another Police Officer currently on disability and involved in the same incident, the Department is requesting that the setting of the date for this hearing be continued off calendar; therefore be it

RESOLVED, that because of the above-stated circumstances, the date for the setting of the disciplinary hearing before the Police Commission for Police Officer Donald Forte, Taraval Police Station, be, and the same is hereby continued off calendar.

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioner Ciani, Hall

RESOLUTION NO. 488-76

LIEUTENANT LORIN D. CLEM, INGLESIDE POLICE STATION.

WHEREAS, the date to be set for the disciplinary hearing of Lieutenant Lorin D. Clem, Ingleside Police

Station, was called; and

WHEREAS, Sergeant David P. Roche, Legal Office, and Mr. Stephen Bruce Bley, attorney for Lieutenant Lorin D. Clem, advised the Commission that Lieutenant Clem had filed for his retirement and Mr. Bley requested that because of Lieutenant Clem's past record that the disciplinary charges be dropped; and

WHEREAS, Sergeant Roche stated that it is the policy of the Department that when someone either resigns or retires, pending a Police Commission hearing on disciplinary charges filed against them, that it is noted in their personnel files in case of possible subsequent re-employment by the Department; and

WHEREAS, Chief of Police Charles R. Gain, stated to the Commission that the Department had not as yet received official notification from the Retirement Board that Lieutenant Clem, Ingleside Police Station, had filed for service retirement and requested that the matter be put over to October 20, 1976, at which time official notification should have been received of Lieutenant Clem's retirement; therefore be it

RESOLVED, that the disciplinary hearing before the Police Commission for Lieutenant Lorin D. Clem, Ingleside Police Station, be, and the same is hereby continued to Wednesday, October 20, 1976 at 1730 hours, in Room 551, Hall of Justice.

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

HEARING OF POLICE OFFICER THOMAS GUERRINI, CENTRAL
POLICE STATION.

The hearing of Police Officer Thomas Guerrini, Central Police Station, was called, it having been set for this date. Police Officer Guerrini was charged with violating the Rules and Procedures of the San Francisco Police Department, as follows:

SPECIFICATION NO. 1

Excessive Force. (Violation of
Section 2.13 of the Rules and Pro-
cedures of the San Francisco Police
Department.)

in a properly verified complaint by Charles R. Gain,
Chief of Police, of the San Francisco Police Department.

Police Officer Thomas Guerrini appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Sergeant David P. Roche, Attorney at Law, assigned to the Police Department's Legal Office, appeared as the Prosecutor for the Police Department.

Sergeant Roche informed the Commission that Mr. Preston R. Griff, the complainant in this matter, was not present for the hearing. Sergeant Roche stated that he had talked with Mr. Griff on Monday, October 4, 1976, and he stated that he would appear for the hearing. However, at this time it was apparent that Mr. Griff would not appear for the hearing, and it was therefore, requested that the Police Commission and the Chief withdraw all charges filed against Police Officer Thomas Guerrini.

The Police Commission, and the Chief, at the request of Sergeant Roche, agreed to withdraw said charges.

The Police Commission then ordered that the charges filed against Police Officer Thomas Guerrini, Ingleside Police Station, be, and the same deleted from his personnel file.

AYES: Commissioners Gallegos, Murphy, Sigg

NOT VOTING: Commissioners Ciani, Hall

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

196 FIFTH AVENUE - RFP DISTRIBUTORS

- a) At 196 Fifth Avenue, install a 20' yellow zone, south of the north property line.

2901 - 22nd STREET - ATLAS STAIR BUILDING CO. INC.

- a) At 2901 - 22nd Street, install a 34' yellow zone, to extend from 14' - 48' east of west property line.

- 33 -

5324 MISSION STREET - GENEVA PAINT SHOP

- a) Revoke existing 16' yellow zone.

1717 HARRISON STREET - CANNED FOOD WAREHOUSE

- a) At 1717 Harrison Street, install a 44' green zone, to extend south of north property line.

1823 UNION STREET - REUNION - CONTINUED TO
OCTOBER 20, 1976

- a) 20' yellow zone, to extend from 9'-29' west of the east property line was continued until the meeting of October 20, 1976, for further information.

4645 MISSION STREET - BULAKENA GROCERY STORE

- a) At 4645 Mission Street, install a 22' yellow zone, to extend from 3' - 25' south of the north property line.

2550 CALIFORNIA STREET - FLOWERS BY ALMA

- a) At 2550 California, Street, install a 22' green zone, to extend west of the east property line.

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 16 feet of yellow zones at the locations in the City submitted, be, and the same is hereby approved.

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

RESOLUTION NO. 481-76

THOMAS PHILLIPS

RESOLVED, that the recommendation of the

City Attorney for settlement of Small Claims Court Action No. 325-516 in the sum of \$115.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 27, 1976

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

RESOLUTION NO. 482-76

JASMIN DEWAN AND STATE FARM
MUTUAL AUTO INSURANCE COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jasmin Dewan and State Farm Mutual Auto Insurance Company against the City and County of San Francisco in the sum of \$113.15 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: May 9, 1976

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

RESOLUTION NO. 483-76

RICARDO SOUZA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ricardo Souza against the City and County of San Francisco in the sum of \$44.02 as the result of damages sustained, be, and the same is hereby approved.

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

RESOLUTION NO. 484-76

W.G.D. STEPHENS, JR

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of W.G.D. Stephens, Jr., against the City and County of San Francisco in the sum of \$250.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 2, 1976

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

RESOLUTION NO. 485-76

CALIFORNIA STATE AUTOMOBILE ASSOCIATION

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of California State Automobile Association in the sum of \$700.00 in Municipal Court Action No. 726-964 entitled, "California State Automobile Association vs. City and County of San Francisco," as the result of damages sustained, be, and the same is hereby approved.

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

- a) Inspector Gus M. Coreris, Bureau of Inspectors, for service, effective September 15, 1976.
- b) Inspector Jack A. Rajewski, Bureau of Inspectors, for service, effective August 18, 1976.
- c) Police Officer Kenneth R. Clapp, Park Police Station, for service, effective September 10, 1976.
- d) Police Officer Edward Curtis, Park Police Station, for service, effective August 24, 1976.

- e) Police Officer James C. McCarthy, Park Police Station, for service, effective September 15, 1976.

The Communications were ordered filed.

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

WEEKLY SICK REPORT

Chief of Police Charles R. Gain, submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, September 28, 1976 at 2400 hours, as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	71	76
Daily average for the week disabled	<u>103</u>	<u>111</u>
TOTALS	174	187

This is a decrease of thirteen (13) members off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	3.65	3.94
Daily percentage for the week disabled	<u>6.17</u>	<u>6.61</u>
TOTALS	9.82	10.55

Disabled at start of week	107
Started during the week	15
Returned during the week	12
Disabled at end of week	110
Net Gain or Loss	+3

Sick and Disabled for week ending Saturday, October 11, 1975 at 2400 hours:

Daily average for the week sick	55
Daily average for the week disabled	<u>81</u>
TOTAL	136
Daily percentage for the week sick	2.89
Daily percentage for the week disabled	<u>4.41</u>
TOTAL	7.30

Sick and Disabled for the week ending Tuesday,
August 31, 1976 at 2400 hours:


Daily average for the week sick	56
Daily average for the week disabled	<u>109</u>
TOTAL	165
Daily percentage for the week sick	3.03
Daily percentage for the week disabled	<u>6.44</u>
TOTAL	9.47

The report was ordered filed.

AYES: Commissioners Gallegos, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Hall

The Commission then adjourned its meeting.

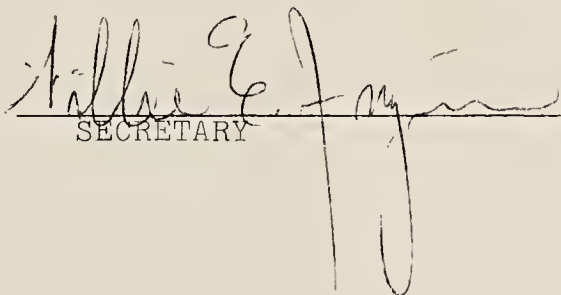


SECRETARY

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13 OCTOBER 1976

Minutes

The Police Commission of the City
and County of San Francisco did not hold its
regular meeting this date.



SECRETARY

NOV 2 1976

Minutes

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20 OCTOBER 1976

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, October 20, 1976 at 1730 hours, in regular session:

PRESENT: Commissioners Ciani, Hall, Murphy, Siggins

ABSENT: Commissioner Gallegos

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of the meeting of September 29, 1976 and October 6, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

PRESENTATION OF MEDAL OF VALOR AWARDS AND AWARD
CERTIFICATES THAT ACCOMPANY THE MEDALS.

Commissioner Richard J. Siggins stated that tonight in terms of what he would think of in regards to Police Commission meetings is, "the happy hour;" he continued by saying it has been his pleasure for the second time since he has been a Commissioner to preside as Chairman over the Awards Committee wherein all Civil Service Captains of the Department sit in judgment of applications submitted on behalf of members of the Department for acts of outstanding bravery performed during the course of their duties. He then read the standards an applicant must meet to earn the Department's Medals of Valor. He then pointed out that in the group of officers that were to receive awards tonight is the first female patrol officer. He then asked for comments from Commissioners Murphy and Ciani.

Commissioner Jane Murphy stated that she thought it was very noteworthy that we have a woman officer who has displayed outstanding bravery while on patrol by taking full responsibility as any officer would under like circumstances. Commissioner Murphy then stated to Officer Lynne M. Atkinson that she was delighted that Officer Atkinson has demonstrated likewise that women also can perform as patrol officers.

Commissioner Judith Ciani echoed the sentiments of Commissioner Murphy, stating that it was wonderful to dem-

onstrate that a woman can serve side by side with a man performing the same duties. She stated that this should give more confidence and inspiration to other women assigned to patrol officer duties.

Commissioner Siggins then stated that he, as President of the Commission, congratulate the officers who are recipients and to the members of their families who are present tonight. The presentation of the Medals of Valor and Certificates for Meritorious Conduct was made as follows:

Police Officer John T. Murphy. . . .	Silver Medal
Police Officer Dale J. Berliner . . .	Silver Medal
Police Officer Ronald C. Black. . . .	Silver Medal
Police Officer Donald W. Brewer. . . .	Silver Medal
Police Officer Reno L. Rapagnani. . .	Silver Medal
Police Officer Michael E. Connors. . .	Silver Medal
Police Officer Ronald P. Kern. . . .	Silver Medal
Police Officer James W. Meyer. . . .	Silver Medal
Police Officer Albert G. Squair. . . .	Silver Medal
Assistant Inspector Don D. Daniels. .	2 Bronze Stars
Assistant Inspector Marvin V. Dean. .	Bronze Star
Assistant Inspector Napoleon L. Hendrix, Jr., . . .	Bronze Star
Police Officer Lynne M. Atkinson. . .	Bronze Medal
Police Officer Gregory Corrales. . . .	Bronze Star
Police Officer Daniel A. Hampton. . .	Bronze Star
Police Officer Donald I. Hensic. . . .	Bronze Star
Police Officer Marion D. Jackson. . .	Bronze Medal
Police Officer James W. Bloesch. . . .	Meritorious Certificate
Police Officer Steven R. Hansen. . . .	Meritorious Certificate

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain stated that he had two things to report on tonight. He stated that first of all he wanted to report on the uniforms worn by himself and two of his top staff members, Deputy Chief Mario Amoroso and Supervising Captain of Patrol, Donald Taylor, as requested by the Commission, because as he stated, there has been some question about what the apparel is for the Chief of Police, Deputy Chief of Police and Supervising Cap-

tain and as shown, is all denoted by stars, Three, Two and One. He further stated that that full-filled his commitment to be present in uniform and to have other appropriate ranks in uniform.

He then stated that the second thing was on the residency of sworn personnel. He continued by saying that there had been discussions among the Commission, in the Department and within the community about the number of police persons who live in and outside the City and County of San Francisco. He then gave the Commission a report which demonstrated that 61% of all sworn personnel live outside the City and County which, he stated, is a trend in keeping with most Metropolitan areas where personnel both sworn and unsworn do live outside the City. He then commented upon the Bar Association's Proposal for an Office of Citizen's Complaints. It has been approximately one month, he stated, since the Commission had its last hearing and he stated that he would recommend that the Commission entertain having a public discussion of this matter on the third of November at which time the full Commission will be present. He further stated that he was in the process of completing his recommendations but with the Commissions approval he would defer submitting those recommendations until the Commission has those discussions.

Commissioner Ciani stated that the Commission has a substantial amount of testimony in the process of being prepared for the Commission's review and that all of the Commissioners will be reviewing and studying it and if there are any incomplete issues in the Commissioner's minds, public discussions will be made possible for people to come in and answer questions that may have been raised during the Commission's review of the testimony presented.

Commissioner Murphy then asked when would the Commission be ready to discuss the Chief's proposals and the final proposals?

The Chief stated that he would be ready to discuss his position paper on the third of November and that there would be no change in his pending recommendations unless something occurred on the third to influence it which he didn't think would be the case.

There was further discussions on this matter with Commissioner Siggins stating that it would be calendared for Public Discussion on the Third of November. He then thanked the Chief for his report and called for the next item.

POLICE COMMISSION DISCUSSION RE CRITERIA TO BE USED FOR THE ISSUANCE OF TEMPORARY SIGHTSEEING PERMITS.

Commissioner Murphy stated that in accordance with

President Siggins instructions, a group of persons met and discussed what the criteria and procedure would be for the issuance of Temporary Sightseeing Permits. She further stated that this Committee was composed of Lieutenant Dempsey and members of his staff, representatives from the Drivers Union, Local 265 and various companies who have been in the sightseeing business and are interested in obtaining permits. She stated that the Committee made some proposals that she would suggest that the Commission adopt in principal with any additions or corrections the Commission would like to make, looking forward to the time when the Commission would ask for applications with the thought in mind that if the strike isn't settled, to issue these licenses. She also stated that the Mayor was meeting with members of the Union and Graylines, Inc., in an attempt to settle the issue. She then called upon Lieutenant Dempsey to make some comment as to what was discussed at the meeting.

Further discussions were held on the issue with testimony being received from various members of the audience. The Commissioners asked Mr. David Smith associated with Creative Sightseeing Tours, Inc., to please put his comments in writing and forward them to the Commission for the Commission's perusal.

The Commission unanimously agreed on the adoption of the minutes from the Temporary Sightseeing Committee's meeting and they will be kept on file with other calendar items in the Office of the Secretary to the Police Commission.

TRANSFER OF TAXICAB PERMIT - APPROVED

The matter of the transfer of the right to operate a taxicab by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions of ordinance applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Mary B. Dadian 49 Paloma Street Corte Madera, Calif.	Duane E. Spurgeon 3426-21st Street San Francisco, California	1

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

TRANSFER OF JITNEY BUS PERMIT - APPROVED

The matter of the transfer of the right to operate a jitney bus by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions of ordinance applying thereto. The transferor did not appear in person and was not represented by counsel. The transferee appeared in person and was not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a jitney bus to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Frank Palmer 3800 Bayshore Blvd. Brisbane, California	Check Yau Chan 330A-3rd Avenue San Francisco, California	1

Route: Mission Street - Ferry to Sickles Avenue.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

PUBLIC HEARING RELATIVE TO ADOPTING A RESOLUTION AMENDING RULE 5.159 OF THE RULES AND PROCEDURES OF THE SAN FRANCISCO POLICE DEPARTMENT - SUSPENDED - LEAVE OF ABSENCE WITHOUT PAY.

Chief Gain stated that this was a matter that has been pending since July and had been pending because of an impasse in regards to meet and confer sessions between the Police Commission and the Police Officers' Association. He continued by stating that at the last meeting it was decided that this item would be scheduled this date for public hearing and in the interim the President of the Commission was going to confer with the Police Officers' Association to endeavor to arrange a meeting with two members of the Commission to discuss this matter on the location of meet and confer sessions. He further stated that it was his understanding that the letter was, in fact, hand delivered and there has been no response from the Police Officers' Association in regard to that matter and he was therefore urging the Commission to conduct the Public Hearing tonight for the purpose of adopting this rule which he feels is needed.

Commissioner Siggins asked if there were any comments from the audience and Mr. Don Benedict asked for a clarification on the rule. The Chief then read the rule and explained the reason for the proposed amendment.

Officer Jack Ballentine, Treasurer of the Police Officers' Association, stated that he felt if the Commission rules on this amendment tonight, it would violate the spirit of the meet and confer process between the Commission and the Police Officers' Association. He further stated that the Police Officers' Association was presently in court on a matter that occurred at the Hall of Justice during a scheduled meet and confer session and because of that the Hall of Justice has been proven to be an intimidating place for the Police Officers' Association to meet.

Commissioner Ciani stated to Officer Ballentine that the Police Officers' Association could not expect the Commission to come to a complete standstill because the Police Officers' Association has a suit on file. She further stated that the Commission has to do its job even if the court decides later that the Commission had no right to take these actions. ~~She said that the Commission will have to do it.~~

Commissioner Murphy suggested that a proviso be incorporated into the regulation to the effect that wherever possible the thirty (30) day suspension be observed by the Commission and only when this was not possible that a longer time be given. This suggestion was turned down.

Commissioner Hall stated to the President that at the risk of violating the meet and confer process he would move that the proposed amendment to the Rules and Procedures of the San Francisco Police Department be adopted.

Commissioner Ciani seconded and it was unanimously approved.

RESOLUTION NO. 500-76

RULES AND PROCEDURES OF THE SAN FRANCISCO POLICE DEPARTMENT - AMENDED.

RESOLVED, that effective at 0001 hours, Thursday, October 21, 1976, the following amendment to the Rules and Procedures of the San Francisco Police Department, be, and the same is hereby approved:

RULE 5.159 "When a member is temporarily suspended pending the hearing of charges, the said charges shall be heard by the Board not more than ninety (90) days after the date of suspension. If a hearing shall be delayed beyond such time by the act or at the request of the accused member, the additional time requested shall be construed to be "Leave of Absence Without Pay" and the request for additional time and request for leave of absence without pay shall be in writing and processed in accordance with applicable law or

rules."

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 501-76

AMENDMENT TO SAN FRANCISCO POLICE DEPARTMENT'S
PATROL OFFICER'S MANUAL, SECTION 1, PAGE 7,
(UEI-7) - WEARING OF THE UNIFORM NECKTIE.

RESOLVED, that effective at 0001 hours,
Thursday, October 21, 1976, the following amend-
ment to the San Francisco Police Department's
Patrol Officer's Manual, be, and the same is hereby
approved:

All uniformed members shall wear a
black necktie while attired in a
Class A or B uniform.

A uniformed member shall have the
option to wear a black necktie when
attired in a Class C or D uniform.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

PUBLIC HEARING RELATIVE TO ADOPTING A RESOLUTION
TO MODIFY THE DEPARTMENTAL POLICY REGARDING CITATION
RELEASE OF ALLEGED MISDEMEANOR OFFENDERS - CONTINUED
ONE WEEK.

Chief Gain stated that he was requesting the Commission
to defer this matter for one week as the proponents
had not received notification that it was scheduled
tonight for a public hearing. He further stated that
the Police Officers' Association had met with Captain
Andrew M. Kristensen and that they had no disagree-
ment on the proposal. He also stated that the Police
Department did not offer any opposition to the pro-
posal.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

-645-

RESOLUTION NO. 502-76

POLICE OFFICER MICHAEL H. GALLAGHER, PARK POLICE STATION

WHEREAS, additional charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael H. Gallagher, as follows:

SPECIFICATION NO. 1

Conduct Reflecting Discredit Upon the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the hearing before the Police Commission on additional charges filed against Police Officer Michael H. Gallagher, Park Police Station, be, and the same is hereby set for Wednesday, November 3, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 503-76

HEARING OF POLICE OFFICER MICHAEL H. GALLAGHER, PARK POLICE STATION

WHEREAS, the hearing of Police Officer Michael H. Gallagher, Park Police Station, was called, it having been set for this date; and

WHEREAS, Mr. Stephen B. Bley, attorney for Police Officer Michael H. Gallagher, has requested a continuance in this matter because of Officer Gallagher's incapacitation due to earlier injuries sustained; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael H. Gallagher, is set for Wednesday, November 3, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 504-76

POLICE OFFICER RANDY E. FALCONE, NORTHERN POLICE STATION

WHEREAS, on Tuesday, July 13, 1976 at 0239 hours, Charles R Gain, Chief of Police, San Francisco Police Department, suspended from duty without pay Police Officer Randy E. Falcone, Northern Police Station, pending hearing before the Police Commission on charges to be filed against him; and

WHEREAS, on Monday, July 19, 1976, Captain Joseph M. Flynn, Captain of Police, Commanding Officer of Northern Police Station, made and served charges against Police Officer Randy E. Falcone, reading as follows:

SPECIFICATION NO. 1

Commission of Grand Theft. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Commission of the Crime of Conspiracy. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Commission of the Crime of Auto Theft. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

WHEREAS, the Police Commission set Wednesday, October 20, 1976, as the date for the hearing on charges filed against Police Officer Randy E. Falcone; and

WHEREAS, Chief of Police Charles R. Gain announced that the Police Department was in receipt of the resignation of Police Officer Randy E. Falcone from the San Francisco Police Department; said resignation effective October 18, 1976, which resignation was accepted with the condition that the services of Police Officer Randy E. Falcone have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police De-

partment filed against Police Officer Randy E. Falcone be, and the same are hereby continued off calendar.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO.505-76

LIEUTENANT LORIN D. CLEM, INGLESIDE POLICE STATION

WHEREAS, Lieutenant Lorin D. Clem, Ingleside Police Station, was suspended without pay by Chief of Police, Charles R. Gain, on Friday, September 17, 1976 at 0930 hours, pending hearing before the Police Commission on charges to be filed against him; and

WHEREAS, on September 20, 1976, Jeremiah P. Taylor, Captain of Police, Commanding Officer of Ingleside Police Station, made and served charges against Lieutenant Lorin D. Clem, reading as follows:

SPECIFICATION NO. 1

Intoxicated while on duty. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

WHEREAS, the Police Commission set Wednesday, October 20, 1976, as the date for the hearing on charges filed against Lieutenant Lorin D. Clem; and

WHEREAS, Chief of Police Charles R. Gain was informed of the retirement of Lieutenant Lorin D. Clem, said retirement effective September 17, 1976 at 2400 hours, which retirement notification was received with the condition that the services of Lieutenant Lorin D. Clem have been unsatisfactory, and that he does not retire in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Lieutenant Lorin D. Clem, be, and the same are hereby continued off calendar.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 506-76

SUSPENSION BY POLICE COMMISSION OF POLICE OFFICER
LLOYD A. RITTER, PARK POLICE STATION

WHEREAS, on July 14, 1976, John A. Mahoney, Captain of Police, Commanding Officer of Park Police Station, charged Police Officer Lloyd A. Ritter, with violation of Section 2.36.2 of the Rules and Procedures of the San Francisco Police Department; and

WHEREAS, on Wednesday, August 11, 1976, Officer Ritter pled guilty to the violation of said Section; and

WHEREAS, the Police Commission suspended Police Officer Lloyd A. Ritter from duty, without pay, for five (5) days; however, said suspension was suspended and he was placed on six (6) months probation with the provision that he report monthly on his own time to the Physical Fitness Instructor and engage in a physical fitness program to be determined by the Physical Fitness Instructor; and

WHEREAS, on Tuesday, August 17, 1976, Officer Ritter agreed, in a written memorandum, that he would appear on Monday, Wednesday and Friday at 1400 hours for his physical fitness program; and

WHEREAS, department records indicate that on the following days Officer Ritter did not appear at the department gymnasium for his physical fitness program, nor did he offer any valid excuse for his failure to appear:

Friday, September 3, 1976
Monday, September 13, 1976
Friday, September 17, 1976
Monday, September 20, 1976
Monday, September 27, 1976

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 11, 1976, and that on Wednesday, August 11, 1976, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that Police Officer Lloyd A. Ritter, Park Police Station, has violated the terms of his probation as issued by the Police Commission at its meeting of Wednesday, August 11, 1976; therefore be it

RESOLVED, that it is the order of the Police Commission that the suspension of five (5) days from duty without pay, previously suspended by the Police Commission shall now be imposed upon Police Officer Lloyd A. Ritter, for violation of said probation commencing Thursday, October 21, 1976 at 0001 hours, and terminating on Monday, October 25, 1976 at 2400 hours.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1615 SUTTER STREET - NIHONMACHI TERRACE

- a) Install a 44' white zone, to extend from 54' - 98' west of east line of building.

1118 HOWARD STREET - UTILITY WORKSHOP

- a) 21' Blue Zone -DEFERRED

2183 GREENWICH STREET - DUGGAN'S LOBSTER TRAP

- a) At 2183 Greenwich Street, install a 20' white zone to extend west from east property line.

314 COLUMBUS AVENUE - TAJ MAHAL RESTAURANT

- a) At 314 Columbus Avenue, install a 23' white zone to extend south of the north property line.

430 BROADWAY - I.F.D. PRODUCTIONS

- a) 26' White zone, held over for one week for more information

1823 UNION STREET - REUNION -

- a) 20' yellow zone - Continued for one week.

AYES: Commissioners Ciani, Hall, murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 489-76

JEANETTE FLYNN AND HER ATTORNEY
RANDOLPH W. HALBERT

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Jeanette Flynn in the sum of \$5,000 in Superior Court Action No. 683-688 entitled, "Jeanette Flynn vs. City and County of San Francisco, etal," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 16, 1974

AYES: Commissioners Ciani, Hall, murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 490-76

LARRIE KEITH SIEMILLER AND HIS ATTORNEYS RAPAPORT,
RAMSEY, HUMPHREYS, MORRISON AND JACOBSEN

RESOLVED, that the recommendation of the City Attorney for settlement of Case No. 721-993, Abstract of Judgment, Municipal Court, Larrie Keith Siemiller vs. City and County of San Francisco in the sum of \$1,363.85 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 31, 1975

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 491-76

ELAINE ZACHER

RESOLVED, that the recommendation of the City Attorney for settlement of Small Claims Court Action No. 326-280 in the sum of \$20.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 14, 1976

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 492-76

AUTHORIZING ATTENDANCE OF LIEUTENANT RICHARD D. KLAPP, PERSONNEL AND TRAINING, AT A TRAINING MANAGEMENT REFRESHER SEMINAR AT GOLDEN GATE UNIVERSITY, SACRAMENTO, CALIFORNIA, ON NOVEMBER 16, 1976 AND NOVEMBER 17, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Richard D. Klapp, Personnel and Training, be detailed to attend a Training Management Refresher Seminar at Golden Gate University, Sacramento, California, on November 16, 1976 and November 17, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Richard D. Klapp, Personnel and Training, in a sum not to exceed \$59.00 in attending this seminar, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 493-76

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY SERGEANT BILL R. TAYLOR, INTERNAL AFFAIRS BUREAU, TO ATTEND THE CALIFORNIA ASSOCIATION OF POLYGRAPH EXAMINERS TRAINING SEMINAR AT SACRAMENTO, CALIFORNIA, ON OCTOBER 2, 1976 AND OCTOBER 3, 1976, INCLUSIVE.

WHEREAS, ON the recommendation of the Chief of Police, Sergeant Bill R. Taylor, Internal Affairs Bureau, received permission from the Police Commission to attend the California Association of Polygraph Examiners Training Seminar at Sacramento, California; and

WHEREAS, Sergeant Bill R. Taylor did travel to Sacramento, California to attend said seminar on October 2, 1976 and October 3, 1976; therefore be it

RESOLVED, that expenses in the amount of \$46.80 incurred by Sergeant Bill R. Taylor while attending this seminar are hereby approved. Expenses will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program; said expenses having been approved by the Chief of Police, be, and the same are hereby approved:

Sergeant Jack K. Rodgers) \$180.00 (Drug Enforcement
Narcotics Bureau) (Training Course in
(San Jose, California,
(from September 13, 1976
(to September 24, 1976,
(inclusive.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 495-76

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program; said expenses having been approved by the Chief of Police, be, and the same is hereby approved:

Inspector Renzo R. Panelli) \$377.08 (Economic Crime
Intelligence Unit) (Investigation Course
(in Sacramento, California,
(from September 12, 1976
(to September 24, 1976.
(inclusive.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RETIREMENT

A communication was received from the Retirement Board officially notifying the Police Commission of the retirement of Police Officer George H. Benner, for service, effective August 4, 1976.

The Communication was ordered filed.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 496-76

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below indicated program; said expenses having been approved by the Chief of Police, be, and the same are hereby approved:

Lieutenant Arthur O'Keefe	)	(Advanced Special-
Sergeant David Winn	)	(ized Tactics Train-
Police Officer Charles Brewster)	\$75.00	(ing Course at Fort
Police Officer Jean Donaldson	) each	(Ord, California,
Police Officer John Grizzel	)	(from September 23,
Police Officer Gary Peters	)	(1976 to September
Police Officer William Taylor	)	(24, 1976, inclusive.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 497-76

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below indicated program; said expenses having been approved by the Chief of Police, be, and the same are hereby approved:

Police Officer Dirk J. Beijen	)	(Advanced Special-
Police Officer James W. Bergstrom	)\$75.00	(ized Tactics Train-
Police Officer Anthony J. Camilleri)	each	(ing Course at Fort
Police Officer Roger A. Farrell	)	(Ord, California,
Police Officer Wesley E. Hayes	)	(from September 23,
Police Officer Philip F. Povey	)	(1976 to September
		(24, 1976, inclusive.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 498-76

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers

submitted by the following-named members of the Police Department for expenses incurred in attending the below indicated program; said expenses having been approved by the Chief of Police, be, and the same are hereby approved:

Sergeant Edward L. Epting	)	(Advanced Special-
Police Officer David Bowman	)	\$75.00 (ized Tactics Train-
Police Officer Timothy Hettrich)	each	(ing Course at Fort
Police Officer William Cahill	)	(Ord, California,
Police Officer Jerry Donovan	)	(from September 23,
Police Officer Stephen Lundberg)		(1976 to September 24,
		(1976, inclusive.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

WEEKLY SICK REPORT

Chief of Police Charles R. Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending October 12, 1976 at 2400 hours as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	62	62
Daily average for the week disabled	<u>108</u>	<u>107</u>
TOTALS	170	169

This is an increase of one (1) member off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	3.15	3.65
Daily percentage for the week disabled	<u>6.57</u>	<u>6.17</u>
TOTALS	9.72	9.82

Disabled at start of week	102
Started during the week	19
Returned during the week	12
Disabled at end of week	109
Net Gain or Loss	+7

Sick and Disabled for the week ending Saturday, October 18, 1975 at 2400 hours:

Daily average for the week sick	46
Daily average for the week disabled	<u>81</u>
TOTAL	127

Daily percentage for the week sick	2.39
Daily percentage for the week disabled	<u>4.40</u>
TOTAL	6.79

Sick and Disabled for the week ending September 21, 1976 at 2400 hours:

Daily average for the week sick	76
Daily average for the week disabled	<u>111</u>
TOTAL	187
Daily percentage for the week sick	3.94
Daily percentage for the week disabled	<u>6.61</u>
TOTAL	10.55

The report was ordered filed.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 499-76

AUTHORIZING ATTENDANCE OF CAPTAIN JAMES LUDLOW, INSPECTORS JAMES HAMPTON, MELVIN LEATHLEY, AND POLICE OFFICERS BERIT LEMOGE AND JANICE RAABE AT THE THIRD CITY CONFERENCE ON CHILD ABUSE AT THE UNITARIAN CENTER, SAN FRANCISCO, CALIFORNIA ON OCTOBER 20, 1976.


RESOLVED, that the recommendation of the Chief of Police that Captain James Ludlow, Inspectors James Hampton, Melvin Leathley and Police Officers Berit Lemoge and Janice Raabe, be detailed to attend the Third City Conference on Child Abuse at the Unitarian Center, San Francisco, California, on October 20, 1976, be, and the same is hereby approved; and be it further

RESOLVED, That expenses incurred by Captain James Ludlow, Inspectors James Hampton, Melvin Leathley and Police Officers Berit Lemoge and Janice Raabe, in a sum not to exceed \$10.00 each in attending this course, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

The Commission then adjourned its meeting.


SECRETARY

76
27 OCTOBER 1976

REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, October 27, 1976 at 1730 hours in regular session:

PRESENT: Commissioners Ciani, Hall, Murphy,
Siggins

ABSENT: Commissioner Gallegos

DOCUMENTS

NOV 18 1976

Commissioner Siggins presiding.

SAN FRANCISCO
PUBLIC LIBRARY

The members of the Commission, having been furnished copies of the minutes of the meeting of October 20, 1976, reading was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain reported the following matters to the Commission: 1. - "As a result of the Commission's request there has been a study underway in regards to the uniforms worn by female police officers. The Women's Advisory Council to the Police Department Task Force has had discussions about the uniform changes needed and also on the 21st of October there was a meeting of Task Force members with Captains of the Department where it was discussed and on the 4th of November there will be another meeting where the District Captains and members of the Women's Advisory Task Force again will discuss uniform items for female police officers. One thing that appears to be resulting from these discussions is that the female officers want a uniform that is similar to male officers except for a uniform cut of course that accommodates women rather than men and they have discussed specific items such as the length of the jacket, the nature of the bulletproof vest and whatever it may be. So the deliberations are underway and I think Commissioner Murphy attended the Task Force Meeting where these items were discussed. We hope therefore, in possibly three weeks, I anticipate, to be giving the Commission a comprehensive report on changes needed in the uniform for female police officers.

Commissioner Murphy stated that it was a matter of tailoring more than anything else. She then asked if there was a contract for the male officers uniforms? Chief Gain stated that there is a contract and that he assumed that what could be done would be merely to come up with specifications for female police officer uniforms that would be the appropriate ones. He stated that he looked at a couple models today of the bulletproof vest so the Department is pursuing that avenue also.

Commissioner Ciani, asked: "You mean they are made for women?"

Chief Gain: "Specifically made for women."

The Chief then stated that the second item that he wanted to report on was in regard to Hallidie Plaza. "I have given you a letter in this regard. At the Commission meeting of June 30, 1976, we discussed Hallidie Plaza and I discussed my position that a police sub-station was not needed there, however, you adopted a motion that a report be submitted to you every three months on policing problems there. Hence this report. There have been no policing problems whatever at Hallidie Plaza to indicate a need for a police sub-station. Police matters that have occurred have been handled most efficiently, effectively and expeditiously, so that validates the position that I took before. I would request the Commission at this time, that was my resolution, adopt a resolution not requiring any further status reports on Hallidie Plaza, because I feel that area of the City should not be treated any differently than any other area of the City. As I recall the Commission's concern in wanting periodic reports in June was because it was quite an issue with some people in the City at that time. So you wanted a report of what was happening."

Commissioner Ciani: "Last time I was down there I can't recall whether that space was being used by someone else or not."

Commissioner Murphy: "The Tourist Bureau."

Chief Gain: "The Business Convention people are in there. The other small office is still vacant as far as I know."

Commissioner Siggins: "But that wasn't the thing that we asked you about. We turned down the idea of putting in a sub-station there and we also asked you to report back on policing the whole area. I think since that time we have gotten some letters complimenting the Department for policing that area."

Chief Gain: "Oh, many, many letters. There have been no complaints whatsoever of inadequate police services, conversely, the letters have been very laudatory of the Departmental efforts because we have made numerous arrests and to use the vernacular, cleaned the area up to the nth degree, persons drinking, drunks, begging, whatever it may be."

Commissioner Murphy then stated: "I move we release the Department from making periodic reports on the situation on Hallidie Plaza."

Commissioner Hall seconded and it was unanimously approved.

The Chief then stated that that concluded his report.

BRIEFING TO THE POLICE COMMISSION ON LAW ENFORCEMENT ASSISTANCE FORCE.

Chief Gain stated that he has this item on the agenda because on the consent agenda, page three, he was requesting the Commission to approve Deputy Chief DeAmicis' attending an exercise of the California National Guard Law Enforcement Assistance Force. He stated, "And as you recall a few months back we had a discussion about the National Guard's Law Enforcement program. So in conjunction with that agenda item I want to give you a status report and for that purpose we have with us Lieutenant Colonel Edward Finch, who will make a brief presentation to the Commission and then give you some written material on the status at this time of the National Guard Program."

Lieutenant Colonel Finch: "This briefing will provide you with information on our California National Guard Law Enforcement Assistance Force. The concept has been a topic of much discussion and has received quite a bit of publicity. I should mention however, that the requirement for the military department to provide military support to civil authorities is by no means new. The National Guard has served the state very well on numerous occasions as you may well know. Let me first discuss the legislative mandate for the Military Support and the creation of this Law Enforcement Assistance Force. The Constitution of the State of California provides the authority for the call on the National Guard, and establishes the Governor as Commander in Chief and authorizes him to call the Guard forth to execute the law." He continued by reading the provisions of the legislative mandate after which further discussion was held.

Commissioner Murphy: "Is Captain DeAmicis going to be an Instructor in this because it sounds as if it is a regular police operations."

Chief Gain: "Deputy Chief DeAmicis is going there because they will be undertaking an exercise and I want him to observe the exercise from the standpoint of

planning and contingency plans with the National Guard. That is why he is going. We met a couple of weeks ago with the Academy General of the National Guard in regard to the program and we will in the future, for example, be undertaking some simulated joint activity. In regard for example, potential earthquakes. What will we do about evacuation or whatever and so that is why the Deputy Chief is going."

Commissioner Ciani to Lieutenant Colonel Finch: "We mentioned this subject before. We mentioned the possibility of using the Guard in the event of a general strike in the Department. Is this an area that you will be working up models for contingency plans for in the future?"

Lieutenant Colonel Finch: "We haven't so far, it has been mostly related to Civil Disorders, Natural Disasters, this type of thing. A strike is something that is up to the governor and the local law enforcement to work out in the event of strike symptoms that have occurred here in the state recently. We have done no work actually on strikes." Some further discussion was held after which Commissioner Siggins thanked the Lieutenant Colonel for his presentation.

CONTINUATION OF HEARING FROM OCTOBER 6, 1976, TO
DETERMINE WHETHER OR NOT FORTY-THREE (43) PERMITS
ISSUED TO THE GRAY LINE, INC., SHOULD BE REVOKED.

Commissioner Siggins: "Is Mr. Rosch here? We received an opinion from the City Attorney in response to your brief, did you see that?"

Mr. Rosch, Attorney for the Graylines: "No, I did not."

Commissioner Siggins: "Well, I can basically say that the City Attorney agrees with the contention of Graylines that Section 1079 of the Municipal Police Code does not apply to a proceeding seeking to revoke a permit for the operation of a Sightseeing Bus, and it also advises us that in the opinion of the City Attorney, the appropriate section of the Police Code to utilize in permit revocation proceedings for Sightseeing Busses is Section 1175, and that permits may be revoked pursuant to the provisions therein. I don't think that we can do much else but suggest to the Department that the revocation under Section 1079 be dropped and that the Department look under Section 1175 of the Municipal Police Code and see what they want to do in that regard." The discussion continued with comments about the current strike between Grayline and the Union Drivers and how the negotiations between the two had broken down. Mr. Rosch stated that the Mayor had been sitting in on the negotiations in an attempt to help settle the issues but he believed that the Mayor has taken the attitude that if the company is sold, then presumably this matter would be complete. Mr. Allen

Shuman, Attorney for Allen and Allen, who are attempting to buy Grayline, Inc., stated that they are still trying to work out some problems and that they absolutely needed certain guarantees from Greyhound and Grayline, he then stated that he didn't really want to go into it.

The Chief then stated that he would recommend that the matter be taken off calendar and that it be pursued for revocation under Section 1175 of the San Francisco Municipal Police Code.

Commissioner Siggins then agreed and stated that now we still have the Temporary Sightseeing matter that the Commission should proceed with. He then asked Lieutenant Dempsey of the Permit Bureau if he had an announcement to make.

Lieutenant Dempsey responded by saying that the Permit Bureau is setting up a mechanism for taking the temporary applications and will advertise in the newspapers 12 times starting October 30th and the Permit Bureau will take applications starting the 1st of November, to and including November 12th. He continued by saying that the applications will be available in the Permit Bureau in Room 553, at the Hall of Justice.

Mr. Rosch, Grayline's Attorney, wanted to know when action would be taken on those applications. He was told action would be taken from November 12th. Mr. Rosch stated that he would like to be heard with respect to the matter of Temporary Applications, because he didn't want to blindside anyone with respect to Graylines position. "As I've indicated to you before, we do believe that you have the authority to issue temporary permits under the statute and that you can do so. I believe however, that granting temporary permits, either to the drivers who are involved in the strike directly or to the companies who employed those drivers will involve the same kind of intrusion into the pending labor dispute and affect the outcome of that dispute in the pending labor negotiations in such a fashion that it will intrude upon this protected area of labor law protected by the Federal Agencies and in the event that the Commission does decide to go forward with respect to the granting of permits to those individuals and companies and let me make it quite clear that we do not for one moment challenge your ability to issue permits to other companies or individuals, but in the event that the Commission does decide to go forward and actually issue permits to those involved in the labor dispute, either directly or indirectly, the Companies involved will feel obliged to pursue their remedies in Federal Court."

Commissioner Siggins then stated that the Department should have the Legal Department look into that aspect of the situation.

Commissioner Ciani stated to Mr. Rosch, "are you saying that if we were to grant a Temporary Permit to a Company that might turn out to employ or may thereafter begin to employ someone who was a striking

Grayline Driver, that this would be an unauthorized interference with the strike?"

Mr. Rosch: "That is correct. We are saying that is strikebreaking, just as surely as if you issued the permits to the drivers themselves."

Commissioner Ciani: "Then how can we control whether the company hires one of those striking drivers or not?"

Mr. Rosch: "Simply, Commissioner, by conditioning the permit."

Commissioner Siggins: "Well, we will look into that. Next item, please."

PUBLIC HEARING RELATIVE TO ADOPTING A RESOLUTION TO
MODIFY THE DEPARTMENTAL POLICY REGARDING CITATION
RELEASE OF ALLEGED MISDEMEANOR OFFENDERS.

Ms. Mary Vail introduced herself to the Commission and stated that she was one of the proponents for this proposal. She further stated that she would answer the Commission's questions, if any, about the proposal. The Commission then requested some comment from the Chief as to the Department's position. The Chief stated that the Department supported the proposal and that the Women's Jail Study Group undertook the re-writing of the proposal at his request around February or March. He continued by saying, "in the introductory material that Mary Vail has, she states that at one point there is opposition from the District Attorney and some from the Police Department, but that was at a point in time when we were still working out some procedures. Right now, I strongly urge the adoption of the procedures. I know of no opposition, we sent the usual letters to the Police Officers' Association and they did not respond within the ten days, so I know of none whatever. As far as opposition, we want it in the Police Department."

Commissioner Ciani: "And the District Attorney's Office concurs?"

Mary Vail: "They endorsed it."

Chief Gain: "I spoke with the District Attorney this morning consequent to another meeting we had and he voiced no opposition to me."

Commissioner Ciani: "Has the Public Defender's Office reviewed this?"

Mary Vail: "Nicco sent in a letter to you. I think you may have received a letter from the Sheriff's Department also."

Chief Gain: "These procedures are going to be monitored very closely so that we can determine what experience is and as within any other procedures implemented, if there are any problems of course, then we will entertain those problems, report to the Commission and if changes are needed, which I doubt very strongly, then they can be made."

Commissioner Siggins: "These particular proposals here will make amendments or additions to the Patrol Officer's Manual, is that correct?"

Chief Gain: "Right, it is Chapter 4 of the Patrol Officer's Manual."

Commissioner Siggins: "So, once it is adopted it can be amended at any time by a vote of this Commission."

Chief Gain: "What it does, of course, is to make mandatory the issuance of citations under reasonable circumstances. It specifically does away with a broad area of discretion which is not desirable. The City of Oakland implemented procedures making it mandatory in 1970, 71 and it has never been a problem with them. So we don't anticipate any. I would make one comment in regards to page 26 of the order and that is where it calls for Police Commission monitoring, stating that the Chief of Police or his designated staff person shall orally present monthly summaries of the Mandatory Citation Release Procedures to the Police Commission each month. Then it proposes a citizen-type citation release transition and implementation Committee for a period of six months which would report no fewer than a certain number of times. I would suggest that part of the order be deleted for the simple purpose that I don't think we should have that within a General Order. We very much want the input of the Women's Jail Study Committee which is probably expanded now with the Women's Advisory Council of the San Francisco Police Department, but to place that in a General Order, I think, would be inordinate and unnecessary because we work cooperatively all the time and we will be reporting to the Commission because this will be newly revised procedures so you will want to know on an on-going basis so we will give you for your review monthly as to what our experience is and of course, we want the Women's Jail Study Group to add input."

Commissioner Siggins: "Well, Commissioner Hall has asked if this could be adopted on a trial basis and I think that the suggestion is that if it could be followed and monitored without putting that into the body of the law itself, it could still be monitored and followed up."

Further discussion was held on the proposal with the Chief stating that he would report to the Commission

the first time two months after the effect of the order because he would have to work out some monitoring procedures. He then stated that the suggestion right now is to adopt the order leaving 4.9(a) in and the rest of that section would be taken out.

Mr. Amitai Schwartz recommended that the Commission should repeal the existing Citation Procedure in the Manual of General Procedures prior to adopting the procedure presented here today. The Commission agreed with this suggestion.

Commissioner Siggins: "There is a motion here that the Patrol Officer's Manual be amended as far as Chapter 4 is concerned, and that this new proposal be adopted with the exception of subdivisions B and C of Section 4.9."

Commissioner Murphy: "I move that we adopt this Misdemeanor Citation Release Procedure."

Commissioner Ciani: "Second."

It was then unanimously approved by the Commission.

Commissioner Murphy stated that she would like to make a motion that a Committee be created for the purpose of monitoring this operation and that the Commission request periodic reports from them as to their findings.

Further discussions were held on the formation of the committee and it was recommended by Commissioner Ciani that the Commission not recognize groups that were generically exclusionary.

RESOLUTION NO. 516-76

AMENDMENT TO THE SAN FRANCISCO POLICE DEPARTMENT'S PATROL OFFICER'S MANUAL, SECTION A VI, CHAPTER 4- CITATION RELEASE PROCEDURE.

RESOLVED, that effective at 0001 hours, Thursday, 28, 1976, the following amendment to the San Francisco Police Department's Patrol Officer's Manual, be, and the same is hereby approved:

ADD Section A VI, Chapter 4 - Citation Release
Procedure.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 517-76

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF
CHARGES - APPROVED

WHEREAS, Police Officer Michael H. Gallagher, Park Police Station, was suspended without pay effective at 0001 hours, Friday, March 26, 1976, pending hearing of the charges before the Police Commission; and

WHEREAS, Police Officer Michael H. Gallagher, has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Michael H. Gallagher, Park Police Station, be placed on an extended Leave of Absence Without Pay at his request for a period of ninety (90) days commencing October 23, 1976, until his hearing is held before the Police Commission.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

POLICE COMMISSION DISCUSSION RELATIVE TO COMMUNICATION
FROM THE BAR ASSOCIATION OF SAN FRANCISCO REGARDING
ESTABLISHING A SCHEDULE OF PENALTIES FOR VIOLATIONS
OF THE SAN FRANCISCO POLICE DEPARTMENT RULES.

Chief Gain stated that he had this item put on the Commission's Calendar so that it could be acknowledged that with the Commission's approval he would work with the Bar Association and with the body of experience the Department now possess perhaps he could come up with some guidelines so that when a particular offense occurs, or rule violation, there would be some expectation on whether it would be a reprimand admonishment or suspension.

Commissioner Siggins stated that he thought that it was a good idea because the Commission has heard some complaints from the rank and file about that.

Commissioner Murphy stated that she was not questioning the Bar Associations' ability to do that but she thought that the input should come from the Chief's own staff with long experience on the subject and that should be as valuable as the Bar Association's input.

The Chief stated that the Bar Association just wanted to help the Department and he thought that the Department should avail itself of their willingness to help and of their expertise.

Commissioner Murphy stated that she thought the Commission should get some type of data on the subject as to just what has happened in the past.

Commissioner Hall stated that in this case he certainly would like the input of the San Francisco Police Officers' Association. He further stated that he was concerned about this imposition of the outside, constantly, Rules and Regulations that have to deal with people on the inside, and he would like to get their input, if possible. He continued by saying they (SFPOA) are the ones who have to suffer the penalty.

Commissioner Ciani stated that before the Commission digests this data, the Commission should see it in its very raw form before it is decided what is to be done. She further stated that she wouldn't want to accept any recommendations from anyone about establishing any ranges that the Commission would be formally bound to unless it was known what the Commission would be working with.

Chief Gain stated that he would give to the Commission raw data that goes back five years or more.

Commissioner Murphy responded by saying rather than getting raw data, she would like to see what kinds of data he expected to gather. She then asked if there was anyone in the Department who knew enough about Research Design to present the Commission a Design of how they would proceed, what kinds of Data they would look at and how it would be presented prior to any work on going back and saying, well, you had fifty cases where the person received 90 days because of a certain violation. She stated that without that she did not think it would be very useful.

Mr. Amitai Schwartz stated that the intent of the Bar Association was to do two things. One, was to bring the issue to the attention of the Commission, if possible, adopt a scale of penalties, and the other intention was to assist the Commission, if they can be of assistance. He stated that they were not trying to say that they have a monopoly on ideas in that area or that they had special expertise on whatever the penalties are to be, but what they were saying that if the Chief of Police, the Police Commission, the Police Officers' Association, the Officers For Justice, can use the assistance of the Bar Association, that they were available to give whatever help that they can. He further stated that the Bar Association did not have a hidden agenda on this item in terms of what they wanted to put through.

Chief Gain stated that the Commission did not have to pass a resolution in this matter but that the letter had been sent and this was a way to get it before the Commission and dispose of it.

POLICE COMMISSION DISCUSSION RELATIVE TO COMMUNICATION RECEIVED FROM VARIOUS OFFICERS OF THE DEPARTMENT OBJECTING TO THE TERMINATION PROCEDURE OF PROBATIONARY OFFICERS JAMES M. LUBEY AND GEORGE D. HOOD.

Chief Gain stated that what this amounted to in substance was that numbers of Police Officers petitioned the Commission and the Chief of Police to reconsider the decision in regards to Officers Lubey and Hood's termination from the Department and grant a hearing. He continued by saying that what it amounts to is that under Section 8.340 of the Charter, the Appointing Officer may terminate a probationary member and he acted under the authority of that Charter provision and factually in this case the jurisdiction does not lie with the Police Commission. He further stated that he had not yet responded because he did not want to respond until he and the Commission had discussed it. He suggested that the Secretary to the Commission at the direction of the Commission write a letter enunciating the jurisdiction in the matter vested in the Chief of Police that the action has been taken and there can't be a re-hearing as they request.

The Commission agreed with the Chief's suggestion that the Secretary draft the above-stated response.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

Captain Seghy of Traffic appeared before the Commission and submitted a report as to what steps had been taken in the process of finding appropriate locations for the installation of Blue zones for this City. He stated that the Survey Unit of his Traffic Division had made contact with many agencies dealing with handicapped persons. He further stated that the two cover letters that he submitted, one of June 8, contacted fourteen agencies and then the establishment of a Committee regarding the implementation of the first 10 zones so that the persons involved would be those from Handicapped Agencies.

Commissioner Murphy: "Can you in most instances, combine the blue zone with the yellow zones, for instance, if you have a long yellow zone, could you make part of it a blue zone say for the length of one car?"

Captain Seghy: said they are considering any particular locations and any of the problems related. If the yellow zone is found to be more than is necessary or in some cases a Bus zone, current white zones or whatever, they can be converted."

Commissioner Ciani : "But then you could also combine them in the same space by using that device of putting in a foot of blue and a foot of yellow and a foot of blue."

Captain Seghy: "They give consideration to each specific zone at it's locations they are presented I believe in the new report form we are submitting to the Commission which is relatively simply laid out and very explanatory. It shows the result of our investigation. Chief Gain has us under direction to draft a policy which is the third copy of your report, a tentative policy where the individual agency can make the application or any legitimate agency representing the Handicapped can make such an application. The only limitation would be that individuals could not use it for the purposes of private privileges at their own residences."

Further discussion was held on other traffic matters with two of the below request put over until the Commissioners could personally look at the site on Broadway themselves.

The Commissioners then approved the consent agenda with the exception of those items on the Traffic Calendar.

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

195 BROAD STREET - BAIT AND TACKLE RESTAURANT

- a) At 195 Broad Street - install a 33' green zone, to extend west of east property line.

2200 PALOU AVENUE - TELEVISION STATION KDTV- 60

- a) At 220 Palou Avenue, install a 22' green zone, to extend west of east property line.

661 CLAY STREET - BOGART'S SHELLFISH BAR

- a) At 661 Clay Street, install a 22' white zone, to extend west of east property line.

1339 FOLSOM STREET - KUNG'S TRADING COMPANY

- a) At 1339 Folsom Street, install a 24' yellow zone, to extend east of west property line.

774 HARRISON STREET - ARMSTRONG CONSTRUCTION COMPANY

- a) At 774 Harrison Street, install a 22' green zone, to extend east of west property line.

200 STONECREST DRIVE - PUBLIC LIBRARY

- a) At 200 Stonecrest Drive, install a 44' green zone, to extend south from north property line.

1051 - 22nd STREET - MUNI RAILWAY

- a) At 1051 - 22nd Street, install a 58' green zone, to extend from 20' - 78' east of west property line.
- b) At 1051 - 22nd Street, install a 50' white zone to extend from 78' - 128' east of west property line.

1823 UNION STREET - REUNION

- a) At 1823 Union Street install a 20' yellow zone, to extend from 9' - 29' west of east property line.

430 BROADWAY - I.F.D. PRODUCTIONS - CONTINUED ONE WEEK

- a) At 430 Broadway, install a 26' white zone, to extend east of west property line.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RETIREMENTS:

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

- a) Sergeant Frank C. Stranzl, Traffic Bureau, for service, effective September 29, 1976.
- b) Sergeant Eugene Van Tricht, Traffic Bureau, for service, effective October 1, 1976.

- c) Police Officer James H. Bates, Ingleside Police Station, for Industrial Disability, effective October 13, 1976.
- d) Police Officer William P. Lister, Southern Police Station, for service, effective September 29, 1976.

The communications were ordered filed.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 507-76

WILLIAM JONES - CALIFORNIA STATE AUTOMOBILE ASSOCIATION

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of California State Automobile Association - William Jones, against the City and County of San Francisco in the sum of \$556.13 as the result of a collision with a police vehicle, be, and the same is hereby approved:

Date of Accident: May 9, 1976

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 508-76

JOSEPH PROVOST AND HIS ATTORNEYS JOHN GARDENAL, MOSS AND KERN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Joseph Provost in the sum of \$7,000.00 in Superior Court Action No. 675-225 entitled "Joseph Provost vs City and County of San Francisco, et al.," as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: December 7, 1953

AYES: Commissioners Ciani, Hall, Murphy, Siggins

RESOLUTION NO. 509-76

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program; said expenses having been approved by the Chief of Police, be, and the same is hereby approved:

Lieutenant Richard D. Klapp) \$115.00 (Annual Training
Personnel and Training) (Officers' Institute in Monterey,
(California, from
(October 13, 1976
(to October 15, 1976,
(inclusive.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 510-76

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY ASSISTANT INSPECTOR CLARENCE CONNELLY, INTELLIGENCE UNIT, AT ATTEND A SPECIALIZED SURVEILLANCE EQUIPMENT TRAINING COURSE, AT SACRAMENTO, CALIFORNIA, FROM OCTOBER 3, 1976 TO OCTOBER 8, 1976, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police, Assistant Inspector Clarence Connelly, Intelligence Unit, received permission from the Police Commission to attend the Surveillance Equipment Training Course at Sacramento, California; and

WHEREAS, Assistant Inspector Clarence Connelly did travel to Sacramento, California to attend said course on October 3, 1976 to October 8, 1976, inclusive; therefore be it

RESOLVED, that expenses in the amount of \$174.20 incurred by Assistant Inspector Clarence Connelly, while attending this course are hereby approved. Expenses will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 511-76

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program; said expenses having been approved by the Chief of Police, be, and the same are hereby approved:

Lieutenant Jack D. Miller)	\$290.50	(Middle Management
Lieutenant Matteo Genna)	each	(Training Course at
Lieutenant Victor Macia)		(the California Highway
Lieutenant Frank Surina)		(Patrol Academy, Sacra-
		(mento, California from
		(September 20, 1976 to
		(October 6, 1976, inclus-
		(ive.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 512-76

AUTHORIZING ATTENDANCE OF DEPUTY CHIEF OF OPERATIONS, CLEMENT D. DEAMICIS, AT THE CALIFORNIA NATIONAL GUARD LAW ENFORCEMENT ASSISTANCE FORCE AT CAMP ROBERTS, PASO ROBLES, CALIFORNIA, ON NOVEMBER 6, 1976.

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief Clement D. DeAmicis, be detailed to attend the California National Guard Law Enforcement Assistance Force at Camp Roberts, Paso Robles, California on November 6, 1976; and be it further

RESOLVED, that expenses incurred by Deputy Chief of Operations, Clement D. DeAmicis, in a sum not to exceed \$80.00 in attending this course, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 513-76

AUTHORIZING ATTENDANCE OF LIEUTENANT JAMES A. RYAN AND ASSISTANT INSPECTOR MANUEL BARRETTA, INVESTIGATIONS BUREAU, AT A PROTECTIVE SERVICES TECHNIQUE TRAINING COURSE AT SACRAMENTO, CALIFORNIA, FROM OCTOBER 25, 1976 TO OCTOBER 29, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant James A. Ryan and Assistant Inspector Manuel Barretta, Investigations Bureau, be detailed to attend a Protective Services Technique Training Course at Sacramento, California, from October 25, 1976 to October 29, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant James A. Ryan and Assistant Inspector Manuel Barretta, Investigations Bureau, in a sum not to exceed \$198.58 each in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 514-76

AUTHORIZING ATTENDANCE OF INSPECTOR DONNIE L. HANSEN, BUREAU OF INSPECTORS, AT A SEMINAR ON COMMUNITY COOPERATION AND THE BOMBING PROBLEM AT THE FEDERAL BUREAU OF INVESTIGATION, QUANTICO, VIRGINIA, FROM NOVEMBER 28, 1976 TO DECEMBER 2, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Inspector Donnie L. Hansen, Bureau of Inspectors, be detailed to attend a seminar on Community Cooperation and the Bombing Problem, at the Federal Bureau of Investigation, Quantico, Virginia, from November 28, 1976 to December 2, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspector Donnie L. Hansen, Bureau of Inspectors, in attending this seminar will be defrayed by the F.B.I.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 515-76

AUTHORIZING ATTENDANCE OF LIEUTENANT RICHARD D. KLAPP, PERSONNEL AND TRAINING, AT THE CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING IN INDIAN WELLS, CALIFORNIA ON OCTOBER 28, 1976 AND OCTOBER 29, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Richard D. Klapp, Personnel and Training, be detailed to attend the California Commission on Peace Officers Standards and Training in Indian Wells, California, on October 28, 1976 and October 29, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Lieutenant Richard D. Klapp, Personnel and Training, in a sum not to exceed \$150.00 in attending this course, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

WEEKLY SICK REPORT

Chief of Police Charles R. Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, October 19, 1976 at 2400 hours as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	69	62
Daily average for the week disabled	<u>112</u>	<u>108</u>
TOTALS	181	170

This is an increase of eleven (11) members off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	3.47	3.15
Daily percentage for the week disabled	<u>6.73</u>	<u>6.57</u>
TOTALS	10.20	9.72

Disabled at start of week	111
Started during the week	28
Returned during the week	15
Disabled at end of week	124
Net Gain or Loss	-13

Sick and Disabled for the week ending Saturday,
October 25, 1975 at 2400 hours:

Daily average for the week sick	58
Daily average for the week disabled	<u>79</u>
TOTAL	137
Daily percentage for the week sick	3.05
Daily percentage for the week disabled	<u>4.30</u>
TOTAL	7.35

Sick and Disabled for the week ending Tuesday,
September 28, 1976 at 2400 hours:

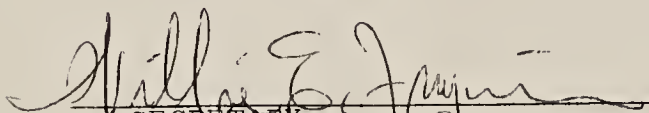
Daily average for the week sick	71
Daily average for the week disabled	<u>103</u>
TOTAL	174
Daily percentage for the week sick	3.65
Daily percentage for the week disabled	<u>6.17</u>
TOTAL	9.82

The report was ordered filed.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

The Commission then adjourned its meeting.



SECRETARY

3 NOVEMBER 1976

REGULAR MEETING

Minutes

The ~~Police~~ Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, November 3, 1976 at 1730 hours in regular session:

PRESENT: Commissioners Ciani, Hall, Murphy, Siggins

ABSENT: Commissioner Gallegos

DOCUMENTS

NOV 13 1976

Commissioner Siggins presiding.

SAN FRANCISCO
PUBLIC LIBRARY

The members of the Commission, not having been furnished copies of the minutes of the meeting of October 27, 1976, approval of same was continued until November 10, 1976.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, my report tonight will be confined to written information just received in regard to a more favorable condition now in so far as hiring police personnel. As you know we anticipated, because of recent budget cuts, that we would not be able to hire some 80 sworn personnel and 25 non-sworn personnel until basically 1 June of next year. However, as a result of going over our budget again in depth, we determined that because of salary savings, that were unknown to us because of a lack of time to research, accrued between 1 July and 1 October, we do have sufficient monies and we can hire sworn and unsworn positions on January 1st of next year. It will enable us in time to increase our level of service and hopefully to better impact upon violent crimes and provide a greater quantity of police services to our citizens. So that in a word is good news."

Commissioner Murphy: "How many will this involve, Chief?"

Chief Gain: "About 80 sworn positions, two captains, five lieutenants, 19 sergeants, 13 inspectors, 19 assistant inspectors, and 19 police officers, in the unsworn category, 8 clerk-typist, a systems analyst, 10 parking controlmen and so on for a total amount of 105 persons."

A substantial difference in what we anticipated by numbers of personnel."

Commissioner Siggins: "Chief, what is the result of the Civil Service examination for Sergeants and Inspectors?"

Chief Gain: "I don't know, I don't know if anyone knows right now. Could be a month or it could be longer. It has been a slow, slow process. As I understand, they have mailed out cards to those who were successful on the written exam and they now must go through the oral exam process, which is going to be quite time consuming so we simply don't know."

Commissioner Siggins: "So the list may or may not be out by the time the appointments are available on January 1, 1977."

Chief Gain: "It may well not be. They are going to tie in pretty close together."

Commissioner Siggins then thanked the Chief for his report.

POLICE COMMISSION DISCUSSION REGARDING LETTER OF COMPLAINT FROM MRS. DEBORAH A. BOLES AGAINST CHIEF OF POLICE CHARLES R. GAIN

Commissioner Hall stated that he would move that the Commission acknowledge the receipt of this letter and that the appropriate response be prepared and be sent to the complainant by the President of the Commission.

Commissioner Murphy seconded and it was unanimously approved.

TRANSFER OF TAXICAB PERMIT

The matter of the transfer of the right to operate a taxicab permit by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions of ordinance applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy

as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
James Daniels 421 Del Monte Avenue South San Francisco, California	Kin Woo Lee 407 - 11th Avenue San Francisco, California	1

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

TRANSFER OF LIMOUSINE PERMIT

The matter of the transfer of the right to operate a limousine by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions of ordinance applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a limousine to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Paul Robert Gregory 1670 - 43rd Avenue San Francisco, Calif.	Jack D. Piotrkowski 2126 - 35th Avenue San Francisco, California	1

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

PUBLIC HEARING RELATIVE TO ADOPTING A RESOLUTION
DELETING SECTION 9.41 OF THE RULES AND PROCEDURES
OF THE SAN FRANCISCO POLICE DEPARTMENT - POLICE
SIGNAL BOX SYSTEM.

Chief Gain stated that what we are dealing with here is that since about 1936, we have had the requirement that an officer report to his station at least every two hours, through the signal call box system. He continued by saying that it is an antiquated system

which was based upon a couple of factors. He stated that years ago we didn't have the existing communication avenues and then at one time it was felt that it was a reasonable way to control police activity by making sure they reported every couple of hours. He stated that the Department has had now for several years, PIC radios which allows members to be in constant touch with their stations and the communications bureau. He further stated that what he would like to do now is simply eliminate the requirement of reporting in as called for by this rule, Rule 9.41 of the Rules and Procedures.

The motion was made for adoption by Commissioner Siggins and seconded by Commissioner Hall. It was then unanimously approved for deletion.

RESOLUTION NO. 528-76

RULES AND PROCEDURES OF THE SAN FRANCISCO POLICE DEPARTMENT - AMENDED.

RESOLVED, that effective at 0001 hours, Thursday, November 4, 1976, the following amendment to the Rules and Procedures of the San Francisco Police Department, be, and the same is hereby approved:

DELETE

RULE 9.41 "Shall, except in case of emergency, report to his station at least once every two (2) hours through the police signal box system to the exclusion of public and private telephones. Shall give the receiving member the locations and number of the box from which he is reporting, and shall remain there until he receives orders or instructions intended for him."

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

POLICE COMMISSION AND STAFF - DISCUSSION ON BAR ASSOCIATION OFFICE OF CITIZEN COMPLAINTS PROPOSAL.

Commissioner Siggins stated that, "We have just recently received the minutes of the last hearing on the Bar Association Proposal and the Commission Staff has worked both weekends and nights to get the minutes prepared." He stated that he had polled the other Commissioners prior to the meeting and they all stated that they just hadn't had the opportunity to read them. He continued by saying he

hadn't had the opportunity to read any but the first ones. He stated that he was not prepared to discuss them. He further stated that there has been some amendments or suggested amendments to the proposal by the Bar Association that have not been distributed to the Commission.

Commissioner Ciani then asked if she could speak to that and said, "I've had discussions with Amitai Schwartz about some amendments that were generated in the course of the hearings. Some of them are amendments that both the Commission and members of the public acknowledge needed to be made because of the City Attorney's Opinion and other developments during the hearings which indicated that these amendments would be advisable. I have.. received an informal listing of the amendments the Bar Association has approved and I think that it would be helpful to the Commission if we could have a presentation of the amendments that are proposed by the Bar Association so that we would have a complete record before us."

Mr. Amitai Schwartz then asked Commissioner Ciani if she was asking for an explanation this evening?

Commissioner Ciani stated that the listings she had were not distributed to her fellow Commissioners and she then asked him to discuss them.

Police Officer Jack Ballentine, San Francisco Police Officers Association, stated that it was his understanding that this was going to be the Police Commission and Staff's discussion of the Bar Association Proposal.

Commissioner Ciani responded by saying, "yes, but we know that there are amendments being made to the Proposal and before we discuss it we would like to have it complete."

Officer Ballentine: "So would we; and it doesn't fit into the pattern of being a part of the Staff report of the Commission in my opinion so this would seem like another public hearing all over again."

Commissioner Ciani: "No, not a public hearing, we have requested additional information from the Bar Association, we are not accepting general public testimony on this. We need this information to deliberate these issues."

Commissioner Siggins: "I think it would be much more expeditious to have this instead of the Commission just going ahead and saying....."

Officer Ballentine: "We are trying to keep up to date on what the proposal is also, and what the amendments to it are. I still only have the explanations through hearings at the public meetings or the original proposal of the Bar Association."

Commissioner Siggins: "That is all we have, if we have any changes or modifications, we will distribute them to you."

Officer Ballentine: "I assume that is not what is going to happen here tonight. The Bar Association is not going to make a modified proposal of the original. Tonight it was calendared with the Staff and the Commission discussion of the Bar Association Proposal. That doesn't seem to me to be what is occurring."

Chief Gain: "May I suggest Mr. President, I think that the Commission did state last week that this would be confined to a Commission Staff discussion, may I recommend that you act upon that agenda item and then take it off calendar and put it on the calendar for next week. Then for tonight calendar the Communication received from Mr. Schwartz and take that up as a separate item?"

Commissioner Hall: "I am concerned as to whether after the presentation by Mr. Schwartz if it will warrant a public discussion on same and will it require additional public discussion because it is a modification of the original plan that we have discussed."

Commissioner Murphy: "I know I am not prepared, I received those minutes yesterday and I am not prepared to discuss it with Staff or anybody else at this point. I am sorry but we just didn't get them in time."

Commissioner Siggins: "I would be willing to hear from Staff but I don't think I have that much input."

Chief Gain: "I am not prepared if the Commission is not prepared to discuss it tonight, because I think that it would not be appropriate. I would recommend that what we should do in regard to this agenda item is to recalendar it for next week and then go on with the agenda and then I think it would be appropriate in regard to the Communication received from Mr. Schwartz to take it up by adding it on the calendar as a separate item of discussion."

Commissioner Ciani: "I would suggest that we do that if it is procedurally appropriate."

Chief Gain: "It is procedurally appropriate."

Commissioner Siggins: "Well, let's recalendar this item (#7) for next week. Commissioner Hall?"

Commissioner Hall : "I am still concerned whether when he presents the modification if it will require a Public Hearing? Are we going to debate it tonight, discuss it or what? Or just listen to the presentation?"

Commissioner Siggins: "Just listen to the presentation I think and that's about it. We can calendar it if we want to, but I think we ought to calendar the Staff discussion for next week if that is alright with you Chief. We will, if possible, try to have all five Commissioners present."

He then continued by saying that he apologized for the inconvenience of those who came to this particular meeting. He also stated that furthermore he thought the Commission should compliment the members of the secretarial staff of the Police Commission Office, Miss Katherine Taylor and Miss Elizabeth Reddy, because of what they had been through during the preparation of the minutes from the Bar Association's Proposal of the Office of Citizen Complaints Public Hearings. Chief Gain then spoke saying,

"What I had in mind about placing it on the calendar at this time is so the Commission would formerly acknowledge it tonight and also to send copies to the three police associations."

Commissioner Siggins: "That is what I was going to suggest."

Commissioner Siggins then called upon Mr. Amitai Schwartz to discuss the below itemized amendments.

1. The Director and all investigators should be hired through Civil Service. (Section 4.)
2. There should be a panel of hearing officers selected by the Police Commission; hearing officers should receive a small honorarium; hearing officers should not be selected through Civil Service. (Section 4.)
3. The Director should give general monthly reports to the Chief of Police and Police Commission, and give any other reports requested by the Police Commissioner. The Police Commission should establish and prescribe rules, procedures, and policy for the conduct and management of the O.C.C. The Director should be administratively responsible to the Chief of Police. (Section 4.)

4. When the Director finds that a complaint is unfounded (no basis in fact) he should prepare a letter advising the complainant and police officer of that finding, and send a copy of the letter to the Chief of Police along with the investigation file. If the Chief of Police **fails to disapprove** the letter within days, the letter shall be sent to the parties and the matter is closed. (This makes the proposal consistent with the City Attorney's opinion. Section 14 (a).)
5. The O.C.C should be housed outside the Hall of Justice, if financially feasible. (Section 4.)
6. An Evaluation Committee should be selected by the Police Commission to develop evaluation criteria, monitoring functions, etc., including the engagement of assistance from recognized experts. (New Section.)
7. Copies of notices that a complaint is of Category III or without basis in fact should be given to the accused police officer. (Section 14(a) and 14 (b).).

Further discussion was held on the matter and the Commission advised members of the audience that the Commission's discussion with Staff at next week's meeting will not include accepting public testimony on the Bar Association's Proposal for the Office of Citizen Complaint Procedures.

RESOLUTION NO. 518-76

TESSIE SAWYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tessie Sawyer against the City and County of San Francisco in the sum of \$204.75 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 17, 1976

AYES: Commissioner Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 519-76

CALIFORNIA STATE AUTOMOBILE ASSOCIATION
AND MANUEL LEVIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the California State Automobile Association and Manuel Levin against the City and County of San Francisco in the sum of \$439.60 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: June 16, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 520-76

ROBERT V. BAGNALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert V. Bagnall against the City and County of San Francisco in the sum of \$181.77 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: July 21, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 521-76

PETER SHAPERO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Shapero against the City and County of San Francisco in the sum of \$481.00 as the result of a collision

with a police vehicle, be, and the same is hereby approved.

Date of Accident: August 10, 1976

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 522-76

JASPER MONTI AND HIS ATTORNEYS
MCCRAY, ROBERTS & POWER

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Jasper Monti in the sum of \$500.00 in Municipal Court Action No.685-047 entitled, "Jasper Monti v. City and County of San Francisco," as the result of damages sustained be, and the same is hereby approved.

Date of Incident: August 11, 1972

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RETIREMENT

A communication was received from the Retirement Baord officially notifying the Police Commission of the retirement of Police Officer James A. Caldera, Jr., for industrial disability, effective October 30, 1976.

The communication was ordered filed.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 523-76

POLICE NARCOTIC FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$4,000 charging same to Appropriation No. 6.161. 890.050 as an advance on the Police Narcotic Fund for the month of December, 1976.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 524-76

POLICE CONTINGENT FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$3,000 charging same to Appropriation No. 6.161. 890.000 as an advance on the Police Contingent Fund for the month of December, 1976.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 525-76

AUTHORIZING ATTENDANCE OF DEPUTY CHIEF OF OPERATIONS CLEMENT DEAMICIS, DEPUTY CHIEF OF SUPPORT SERVICES MARIO AMOROSO, DEPUTY CHIEF OF INVESTIGATIONS MORTIMER MCINERNEY, CAPTAIN RENE AUFORT, CAPTAIN AGUSTIUS BRUNEMAN, CAPTAIN J. WILLIAM CONROY, CAPTAIN WILLIAM O'CONNOR, CAPTAIN JAMES LUDLOW, CAPTAIN JOHN MAHONEY, CAPTAIN ROBERT MCFARLAND, CAPTAIN ERNEST RAABE, CAPTAIN GERALD SHAUGHNESSY, AND CAPTAIN CHARLES SCHULER AT A LEGISLATIVE SEMINAR AT THE OAKLAND POLICE DEPARTMENT, OAKLAND, CALIFORNIA, ON NOVEMBER 9, 1976.

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief of Operations Clement DeAmicis, Deputy Chief of Support Services Mario Amoroso, Deputy Chief of Investigations Mortimer McInerney, Captain Rene Aufort, Captain Augustus Bruneman, Captain J. William Conroy, Captain William O'Connor, Captain James Ludlow, Captain John Mahoney, Captain Robert McFarland, Captain Ernest Raabe, Captain Gerald Shaughnessy,

and Captain Charles Schuler, be detailed to attend a Legislative Seminar at the Oakland Police Department, Oakland, California, on November 9, 1976, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Deputy Chief of Operations Clement DeAmicis, Deputy Chief of Support Services Mario Amoroso, Deputy Chief of Investigations Mortimer McInerney, Captain Rene Aufort, Captain Agustius Bruneman, Captain J. William Conroy, Captain William O'Connor, Captain James Ludlow, Captain John Mahoney, Captain Robert McFarland, Captain Ernest Raabe, Captain Gerald Shaughnessy, and Captain Charles Schuler, in a sum not to exceed \$15.00 each in attending this seminar will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 526-76

AUTHORIZING ATTENDANCE OF DONALD TAYLOR, SUPERVISING CAPTAIN PATROL DIVISION, ROBERT SEGHY, SUPERVISING CAPTAIN TRAFFIC DIVISION, CAPTAIN STANLEY CORDES, CAPTAIN JAMES CURRAN, CAPTAIN GEORGE EIMIL, CAPTAIN JOSEPH FLYNN, CAPTAIN ANDREW KRISTENSEN, CAPTAIN EDWARD LAHERTY, CAPTAIN JAMES SHANNON, CAPTAIN JOHN SHINE, AND CAPTAIN JEREMIAH TAYLOR.

RESOLVED, that the recommendation of the Chief of Police that Donald Taylor, Supervising Captain Patrol Division, Robert Seghy, Supervising Captain Traffic Division, Captain Stanley Cordes, Captain James Curran, Captain George Eimil, Captain Joseph Flynn, Captain Andrew Kristensen, Captain Edward Laherty, Captain James Shannon, Captain John Shine, and Captain Jeremiah Taylor, be detailed to attend a Legislative Seminar at Skyline College, San Bruno, California, on November 5, 1976, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Donald Taylor, Supervising Captin Patrol Division, Robert Seghy, Supervising Captain Traffic Division, Captain Stanley Cordes, Captain James Curran, Captain George Eimil, Captain Joseph Flynn, Captain Andrew Kristensen, Captain Edward Laherty, Captain James Shannon, Captain John Shine, and Captain Jeremiah Taylor, in a sum not be exceed \$15.00 each in attending this seminar will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 527-76

AUTHORIZING ATTENDANCE OF POLICE OFFICER MARION JACKSON, NARCOTICS BUREAU, AT A DRUG INVESTIGATOR'S TRAINING COURSE IN VENTURA, CALIFORNIA, FROM NOVEMBER 8, 1976 TO NOVEMBER 19, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer Marion Jackson, Narcotics Bureau, be detailed to attend a Drug Investigator's Training Course in Ventura, California, from November 8, 1976 to November 19, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officer Marion Jackson, Narcotics Bureau, in a sum not to exceed \$473.00 in attending this course will be defrayed by the Police Department's Police Officers Training Fund.

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

WEEKLY SICK REPORT

Chief of Police Charles R. Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, October 26, 1976 at 2400 hours as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	71	<u>68</u>
Daily average for the week disabled	<u>117</u>	<u>112</u>
TOTALS	188	180

This is an increase of eight (8) members off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	3.64	3.47
Daily percentage for the week disabled	<u>7.02</u>	<u>6.73</u>
TOTALS	10.66	10.20

Disabled at start of week	119
Started during the week	22
Returned during the week	22
Disabled at end of week	119
Net Gain or Loss	0

Sick and Disabled for the week ending Saturday,
November 1, 1975 at 2400 hours:

Daily average for the week sick	60
Daily average for the week disabled	<u>87</u>
TOTAL	147
Daily percentage for the week sick	3.15
Daily percentage for the week disabled	<u>4.74</u>
TOTAL	7.89

Sick and Disabled for the week ending Tuesday,
October 12, 1976 at 2400 hours:

Daily average for the week sick	62
Daily average for the week disabled	<u>108</u>
TOTAL	170
Daily percentage for the week sick	3.15
Daily percentage for the week disabled	<u>6.57</u>
TOTAL	9.72

The report was ordered filed.

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

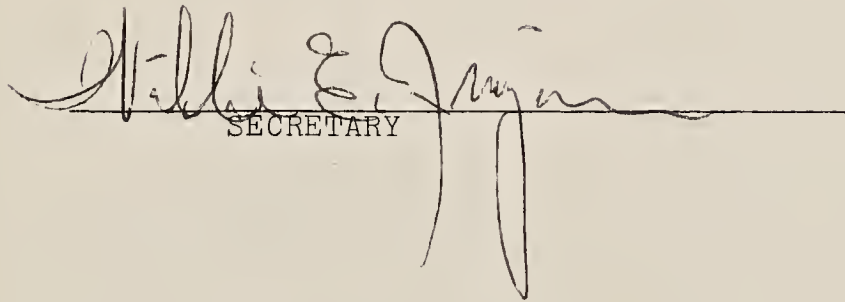
NOT VOTING: Commissioner Gallegos

Commissioner Ciani spoke of the hazardous conditions she observed on Polk Street this past Sunday night (Halloween) and wondered who or what department is responsible for allowing the blockage of the streets. She also spoke of the amount of alcohol persons were allowed to consume outside of the taverns and the overwhelming amount of broken glass in the streets.

Chief Gain said that the Department will critique the situation and that next week there will be meetings on it so that hopefully for next year when a permit is requested for the purpose of closing the street, documentation will be available to ask the Board of

Supervisors, who grants these permits, to apply some conditions to them.

The Commission then adjourned its meeting.


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REGULAR MEETING

Minute

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, November 10, 1976 at 1730 hours, in regular session:

PRESENT: Commissioners Ciani, Gallegos, Hall,
Murphy Siggins

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of the meetings of October 27, 1976 and November 3, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain stated to the Commission in his report: "As you know it is our habit that when we issue the monthly crime summary, we also give to the Commissioners a commentary during the first period of the month on what is reflected for the month of October. From January through October of this year compared to last is a 22.7% increase in crime. So what we are experiencing this year are decreases and increase throughout the year. When we started in January and February there were much higher increases because of a low quantity of crime in the earlier months of last year. Now during the same period of last year in October, November and December, there were high quantities, so we just kind of narrowed the gap. But nevertheless, there is an increase. So if you care to discuss it, we will. Otherwise it has been submitted to you."

Commissioner Ciani: "I wanted to ask you about the memorandum we received copies of."

Chief Gain: "Yes, may I see that so I can show it to Lieutenant Thollander?" (Shows copy of memo from P.O.A., to Sworn Personnel.)

Commissioner Ciani: "This memorandum mentions changes in the Internal Affairs investigatory procedures and we would like to know what changes, if any, are being referred to in that memorandum?"

Chief Gain: "Do you have knowledge Lieutenant Thollander, of any changes?"

Lieutenant Thollander: "Not that I know of Chief. Maybe there is someone here who might enumerate what the changes are."

Commissioner Ciani: "Perhaps someone who knows about this Memorandum that is written by a representative of the P.O.A., could tell us exactly what is being referred to, what are the changes that are being referred to Sergeant Crowley?"

Sergeant Crowley: "I didn't hear you."

Commissioner Ciani: "This Memorandum refers to certain changes in the investigation or interviewing method in Internal Affairs and none of us seem to know what it is referring to."

Commissioner Murphy: "Maybe you can take a look at the bulletin."

Sergeant Crowley: "Surely. This is internal."

Commissioner Ciani: "Yes, but we would like to know what you are referring to."

Sergeant Crowley: "This is an internal Bulletin to the members regarding some of the tactics used in Internal Affairs and is to be the subject of a meeting among police officers. It has nothing to do with the Meet and Confer Process or anything of that nature."

Commissioner Siggins: "I think we have the right to ask you about reducing the use of Department's mail facilities?"

Sergeant Crowley: "You want to cut the mail out? Fine, great, we will find a way of delivering it. That is the threat that is being made."

Commission Siggins: "Just asking a question."

Sergeant Crowley: "Well I understand it."

Chief Gain: "Let me respond Commissioner, if I may. When I read that bulletin I asked Captain McSweeney who is in charge of Internal Affairs Bureau of any changes that may have been made that would result in that type of bulletin. He had no knowledge of any changes at all. So we just simply don't know....Lieutenant Thollander doesn't know, I asked him to respond because he is now acting Commanding Officer during Captain McSweeney's vacation. So we don't know."

Commissioner Ciani: "Alright then, in summary you have no knowledge of any changes made."

Chief Gain: "No, I have not."

Commissioner Gallegos: "It is not likely that the force would be under the impression that there are changes, would they?"

Chief Gain: "I don't know why they would be. The procedures of the Internal Affairs Bureau, of course are governed by Rules and Regulations and they are following those Rules and Regulations."

POLICE COMMISSION AND STAFF - DISCUSSION ON BAR ASSOCIATION OFFICE OF CITIZEN COMPLAINTS PROPOSAL.

Commissioner Siggins stated: "We have had Public Meetings in regard to this proposal. We started our meetings in June and have had six meetings out in the different areas of San Francisco and the response from the public, the people who attended, were for the proposal, about 90% or so. Some addressed themselves specifically to the Proposal, others did not. Probably we received the meat of the proposal at the last meeting at Herbert Hoover, where we heard from Mr. Orsi and University of Californias' Professor Skolnich. How does the Commission suggest we proceed tonight?"

Commissioner Gallegos: "Well, I would hope we would have an opportunity to set forth our own impressions about the testimony and the suggestions regarding the Proposal of the Bar Association and having had some opportunity to raise issues and questions and impressions that I think we will get when we hear from the Chief and Staff about whatever recommendations they have and I prefer to discuss those. But I think we also ought to be aware of the fact that while in the process of the hearings whatever action the Commission takes will only be the beginning and not necessarily the end of it."

Commissioner Murphy: "I think one of the things that I feel about it is that it is a very extensive change in current procedures. Mr. Orsi said at the very minimum it would take six months to implement. I have been in government long enough to know that probably it would take more like a year, possibly even two to implement the plan completely.

But there are lots of items in the plan that could be implemented without adopting the whole plan all at once. For example, I was impressed with the professor's suggestion of Having Hearing Officers. It was a very interesting proposal and I think it should be pursued. We suggested that we arrange for Hearing Officers after hearing a disciplinary case to give us the determination of the issues,

the findings of fact, and the recommended decision for the Commissions final approval. He also suggested that we could have a panel of men and women lawyers who would give their time and hear these cases. I think that's a little bit of pie in the sky frankly, I think we could arrange however to use the State Hearing Officers who operate under the Administrative Procedures Act. They contract out to any local jurisdiction."

I think it would be less expensive perhaps. In addition, it might be possible to contract for other services such as investigative services now that we have a new Charter Amendment that allows this I believe....."

Commissioner Hall: "On that issue though he said that the California Administrative Act required the Hearing Officers to be Lawyers. That's rather restrictive to me."

Commissioner Gallegos: "It would seem to me if you take the Proposal of the Bar Association to the maximum to which it is proposed, there would be the element of time, the element of cost, the element of what kind of personel and what auspices other than terms of what manner that they would function and as I sat through the Hearings, the thing that concerned me is that there is a lot of things that could be done now and it was interesting that substantially everyone, including the P.O.A., said they were for some kind of a trend for some kind of improvement over the present system and I would certainly hope that every one here would not reflect negatively on the personnel that we have now in that unit.

I think the issue is that under the present system whoever is in that unit is subject to the question that has been raised throughout the Hearings of the appearance that it is not possible for one officer to investigate another officer fairly.

As I sat through the Hearings the thing that kept gnawing on my mind is not knowing what kind of red tape or other kinds of concerns might prevent the implementing of all or part of whatever on this proposal. That there are some things that we can accomplish not as an end perhaps but a means. For example, the O.C.C., could provide independent investigation of complaints. Not only that but could provide the distribution of the multilingual pamphlet describing the complaint procedure, standardizing the Complaint Forms, centralizing the seat of complaints, establishing a complaint register, registry to be opened for complainant inspection and by providing the complainant and the police officer with the opportunity to have a public hearing on the complaint before a neutral hearing officer.

It seems to me that all or some of these things might be implemented now. And, therefore, those who would argue that it is excessive from the cost point of view may or may not be right, but I

am saying that regardless, some of these things that seems to me might be possible to implement in a short time leaning toward, say, an ideal procedure."

Commissioner Ciani: "I would like to challenge that. I'm not sure I agree with Commissioner Murphy that attorneys wouldn't be the best way to handle hearing panels....Anyway....As I think was brought out before, the State Bar does use volunteer attorneys very successfully as Hearing Officers and they tend to view it as a public service and seem to perform very well, competently and efficiently in the context of the State Bar Disciplinary Proceedings. So I do like the idea of non-civil service hearing officers which as Mr. Orsi pointed out, can be done by virtue of the fact that there is no existing civil service classification. I'm not sure it's absolutely clear that they're not subject to civil service if you pay them something. It was suggested that they be paid an honorarium or that they be paid some small amount of money per diem. I think we ought to clarify whether that would bring them into the civil service system or whether they have to be entirely volunteer to be entitled to remain outside."

Commissioner Murphy: "I think you could contract with...."

Commissioner Ciani: "You mean that they could be paid? Well, such contracts have to be approved by the Supervisors, don't they? One of the other points that is evident from the testimony of Mr. Skolnich and Mr. Orsi is that perhaps the appointments will be required to be made by the Chief under the Charter. If the Police Commission were to select the hearing officers we might need to amend the Charter. As it is we don't have the authority to designate personnel. Maybe we could get around that if we had a contract. Otherwise, if it's in the Charter, I think we probably couldn't."

Commissioner Murphy: "I think I would have great reservation about trying to get around the Charter. I think that it's very difficult to have two police departments; that situation would be unique. I think that you have to have a head. It can't be run by 5 people."

Commissioner Ciani: "Well, the only reason I brought this up is because one of the new amendments proposed by the Bar Association is to the effect that the hearing officers should be selected by the Police Commission."

Commissioner Murphy: "I think that's a minutia which isn't important at this time in the sense that we really don't know how they would be selected. For

example, if you did use State hearing officers, they are under state civil service, they would be on an hourly basis. They could be used that way rather than volunteer attorneys. This is another method of doing it. I think it is the logistics of this that we ought to address ourselves to."

Commissioner Hall: "All this is predicated on us saving the City a sum....."

Commissioner Murphy: "Mr. Hall, the passage of that last proposition changing the Charter would allow the City to contract with various groups of people who can perform more inexpensively than city employees."

Commissioner Hall: "The thing that has troubled me in the whole situation is that we have had little public participation in spite of the fact that we held the public hearings. Practically at all of the meetings the same groups were there, for, and very few, if any, against. So consequently, I have had trouble trying to put it together because I am not too sure whether this is what the City wants, the public wants, or whether this is what a group of people want or a particular segment, it has troubled me on that. I could have wished for more participation by the public....for and against, over against constantly for, by the same group of people."

Commissioner Ciani: "May I comment on that? It is awfully difficult to be against something like this except on an administrative level, because....."

Commissioner Hall: "Oh, I am not too sure, I could have spoken against it and I think I can now. I am not sure it is so difficult to be against, there are problems, there are questions that are being raised that could happen. What I am saying is that when you are passing something that has to do with the City in general, I would have wished for a larger participation rather than at each night at each meeting the same group of people are being represented. I think there are two sides to everything.

The other side should have been represented. The P.O.A., only generally spoke to the proposal. I would have liked to have heard a little more of this."

Commissioner Gallegos: "Reverend Hall, maybe part of that might have been related to the fact that the groups we heard from are most likely to be feeling the effects of either over policing in some neighborhoods or the different findings or reactions to certain kinds of handling of the situation by police. I'm just saying....."

Commissioner Hall: "You're speaking to what I wish would have happened. I only wish that more participants would have appeared from the Western Addition, Hunter's Point and other places where this pressure is being felt rather than by the same group of people constantly."

Commissioner Ciani: "I agree in part with what you're saying. I think the point that I made is that this does improve due process in a sense. If we were to adopt something like this it would admit more "sunshine" into the process and more control on how things go through. I'm disappointed that we didn't get more commentary from people who deal with administrative models and who could help us find the weaknesses in the way that these categories of personnel would relate to the Department in addition to the substantial testimony we heard on the interest of the public. I think the interests are very different on the administrative side. They concern management efficiency, budget and whether this is a workable model from a personnel point of view."

Commissioner Hall: "I think also we had only one other suggestion to follow and that was by Supervisor Francois. It would have helped me had I had more for or against in light of something else rather than the constant presentation by the same organizations as such. I am not criticizing that, I am expressing what I could have wished for in order to get a better appraisal because I think it is awfully onesided."

Commissioner Ciani: "Well, we did get materials from the Bar Association giving us descriptions of how similar experiments work in other cities, Chicago in particular, where they use civilian investigators and we asked questions and received responses from the Bar Association representatives about how those civilian investigators were used and how they could be used in other areas. They mentioned that they used them for investigating, I believe, cases of excessive force involving situations without complaints."

Commissioner Murphy: "You know, I wonder what really are universals here. In reading all of the many many cases we have had over the past two months or over the year, most are unfounded. A great many, and I think there's someplace in our minds that they were unfounded. There were a few that were determined to be unfounded that I thought surely needed further investigation. But I think that there were a big bulk of them that were unfounded or they were very very minor."

Commissioner Gallegos: "What percent would you say? About 80% unfounded.....?"

Commissioner Murphy: "I would say it was a very large number. Now we're talking about a relatively small number it seems to me -- 1,600 or 1,700 police officers. We're talking about an awfully small group of actions. Admittedly they're very important from a very serious side. We don't want any of them. I think we have the idea that this is a sort of everyday occurrence, that everybody is in bad shape."

Commissioner Ciani: "Unfortunately, it has to be reconciled with."

Commissioner Murphy: "Oh yes, even if they are ultimately unfounded. I think this might help...to some degree those unfounded cases that we have to now deal with in such detail."

Commissioner Hall: "I noticed at some of the meetings the ideas given that with this proposal you have more integrity, sympathy, impartiality....and the police were a stylized subculture group. And those other statements disturbed me because I don't see police being more subculture than those.....other groups who have a particular slant. Also, you began to talk about integrity, objectivity, impartiality. You are talking about things that are very personal and individual. You're not talking about something that is institutional or has to do with a group expression. Consequently, you are saying that this is going to assure this and this is going to assure that more than the present system. This disturbs me."

Commissioner Ciani: "What we're trying to do is present the appearance that there is impartiality even if there is in fact impartiality under the present system. To enhance the appearance of impartiality we would create a quasi-independent body. That's really the point, I think."

Commissioner Hall: "For appearance purposes....."

Commissioner Ciani: "To the public....."

Commissioner Hall: "I'm not too sure about that. We've been talking a great deal about appearances. We're talking about the real truth. That you're going to be what you claim to be. And you're going to produce what you claim. So consequently appearance here to me is not the issue.....You're claiming something we might not be able to defend."

Commissioner Ciani: "Reading through the testimony I wrote on my own copy of the transcript some questions which were later answered. One of the questions that was raised in my mind was what is going to keep a group of civilian investigators housed within the

the Department from becoming part of the Department and having an allegiance primarily to the Department. And then I got to a part in the testimony which recommends that they be physically housed elsewhere to that they can develop an esprit de corp and independent identity. That seems to answer my problem with having a group, though independent in the first instance, ultimately identify with the Police Department rather than the public."

Commissioner Gallegos: "Reverend Hall, if you, if this Committee or if the new process gave the appearance of impartiality the question would arise would police officers be more likely or less likely to get involved in some of the more minor kinds of incidents that we now have to reason with that we now find unfounded. In other words, with a new process we could say to everybody, 'look, we have a new process set up and it's objective, fair, and open. It gathers confidence from the public and it's going to be given a chance to work.' And on that basis it will alter the attempted behavior in officers to do or not to do....."

Commissioner Hall: "There again, I'm not sure whether we have the adequate confidence of the public. We have confidence of a certain segment of the community.....(inaudible).....That's the other quality.....the part we didn't hear from and that's what I'm concerned about."

Commissioner Murphy: "I think one of the reasons we didn't hear from the other part, I know that when we had the hearing at Galileo I talked to the president of the Pacific Heights Neighborhood Council, who is a friend of mine and also aand asked, 'Do you have anyone who would come over to the hearings and give the point of view of the residents around here?' He said, 'Well, I can't think of anyone because we don't have trouble with the police.' 'And you don't have trouble with the police. You have very good police protection.' But that doesn't mean that happens all over the city. That doesn't trouble me at all. The fact that you have large organizations representing many many people that are troubled by, and you know they're troubled by (the police), you hear about it, you read about it in the paper. What I'm concerned about is how can we get this done at least for all of us who are ten or fifteen years older, or before our term of office is over or something like that, and meet the needs of people. One of the ways we might do it - I agree. I think maybe we ought to have an investigative body that is not necessarily uniformed police officers investigating other police officers. I think that's good. I think that maybe because it is a small segment, it's a small amount of work, let's put it that way, we could contract it out to investigators to make those investigations. Not trying to get away from redoing the whole civil service system and that is really a mass of trouble, redoing the whole hearing system, the whole this and that. Maybe because it is a small amount of work comparatively speaking that we could use civilian investigators on a contractual basis and see how it works. See if we're

really up against the kind of thing we've heard a lot of testimony about."

Commissioner Ciani: "I think the Chief has stated before that in order to be effective in investigating police officers an investigator has to be very familiar with the police; the way they think and the way that they view their jobs. And it takes a great deal of experience. There was some mention of recruiting from among people who have military or police experience."

Commissioner Murphy: "I think that's for the birds."

Commissioner Ciani: "That's not the point. I did not say that's what we should do. I think that that point is that contracting the function out, finding someone who's not very well experienced in this area is not going to result in getting investigations even as good as those we've had in the past. I think we ought to consider that in viewing having an outside group. Secondly, I don't think it's a small part of police work or a small problem. I think it goes to the very essence of what police are and do. They are the only body that really have the sacred power to enforce the law against the public. And the way they relate to the public is the most important thing that the police do. The way they wield that power is crucial to our system of government, if you'll excuse me getting on the soapbox. I think this is a major problem in the great scheme of police business."

Commissioner Gallegos: "I certainly really appreciated the opportunity to meet with those groups. And I must say that I have to be responsive to what I heard from those groups. I would have to say that everybody had the same chance to appear. I've been on enough committees and boards to know that when people want to be heard, especially in this town, they certainly know how. That's one thing about San Francisco. It's small enough to be loud when it wants to be. I must say that from the groups we had, I think more people perhaps maybe a cross-section, that the fact remains that some of the people that we met with were concerned about what's happening in their neighborhood. I heard them saying, 'Look, that although you have a new police chief, a new commission, perhaps a new attitude, the fact is that we don't know the future and what's happening. Therefore we want to insure the future by making sure that we have a process that people can believe in.' I would certainly want to emphasize that I'm not criticizing the officers that we have doing the work. I know they've put a lot of hard work into it and they're conscientious. But maybe a lot of those people don't know that, don't have the same confidence that we have. I think that maybe until they see something that is different in form and substance that they may not be able to maintain the same confidence in the Department that other people have. So I think that we really ought to take a hard look at the specific recommendations made about how you make fundamental changes

in the present system, in the present process, so that it can be workable and deal with it realistically so that the people know that we're not dealing with cosmetics. You know. That we're not just playing games and trying to alter something under pretense of change. We need something with fundamental change that people can believe in. I think we ought to break for the people what this change would be to see what we can do now and what we can do later."

Commissioner Siggins: "I think that the real issue as far as breaking down changes would be the hiring of outside investigators, rather than policemen. My comment would be that if I could see those reports on the file, the investigations are good. It's hard to tell some San Franciscan in a neighborhood that that's true, that it is good, because I think that quality people in the Internal Affairs Bureau are dedicated in doing their reports.....(inaudible)..... Outside investigators may not be able to find evidence. If you look at these reports they are excellent... And that's why we have to deal with as Mr. Gallegos said, cosmetic changes if we're going to satisfy that fear."

Commissioner Gallegos: "Well, I think there are some critical procedural issues that are important that again relate to what you can do now even if you don't. I'm talking about the changes. I agree that forms and information to the citizenry should be distributed. But we have evidence that people would still be afraid to go to the police to make a complaint."

Commissioner Hall: "This brings up a question I want to ask. Is the difference in what is being proposed a matter of procedure or personality? Are we talking about a change in personalities to do the investigation or are we talking about a change in the procedure?"

Commissioner Murphy: "I think we're talking about both. If you mean personality by that a cop has a certain type of personality....."

Commissioner Hall: "No, I'm talking about changing it and putting it into the hands of civilians rather than police, and the question is whether the procedures followed now are correct."

Commissioner Gallegos: "Well, we're talking about the field work of gathering the information. But the authority and responsibility for deciding, that doesn't change. You still have the Chief of Police."

Commissioner Ciani: "I don't think it's necessary to criticize the way investigations are done now. It was suggested that maybe it should be by civilians for the reasons stated, that the public doesn't want to make their complaints to somebody who's wearing a blue uniform, in the police station, and know that there may be, or suspect that there may be, some retaliation. If there's no change in substance there's a desire for a change in form. It enhances the confidence in the handling of complaints. In fact, it would bring complaints forward in communities where people don't volunteer their complaints. This produces a great social problem and could lead to the building up of resentment if there is no safety valve to release animosity."

Commissioner Siggins: "Do you want to talk about changes now, what changes should be made?"

Commissioner Gallegos: "Yes, I would. But I'd like to hear from the Chief at this point. I'd like to hear his analysis of what can be done now, can it be done at one time or should it not be done. What specifically is your own recommendation?"

Chief Gain: "Thank you, Commissioner. I have specific recommendations to make but I would like to preface the discussion in regard to recommendations with the statement that we have been dealing and are dealing with a systems problem and not a problem in regards to the competency of the investigators of the present Internal Affairs Bureau. You said it, and I would like to emphasize that too. That the present personnel in our Internal Affairs Bureau, some 16 investigators and their Captain and a Lieutenant are very dedicated persons and the product they are producing I would generalize overall as excellent. They are doing a good job.

I think that needs to be emphasized because we have had a great deal of criticism of the Internal Affairs Bureau and I want everyone to know that we do hold them in high esteem.

Now having said that, I would like to recommend principally that we consider the Bar Association proposal in two phases, one, the Procedural recommendations made in their proposal and secondly,, to consider the Staffing, that is the Director, the Hearing Officers and the non-police investigators. So I would recommend that we do that. And a specific recommendation in regard to the Procedural matters I would recommend to the Commission that the Commission adopt the Procedural recommendations in principal and I emphasize in principal, because I listed some more than 15 exceptions that I have in mind as regards to specific sections in their proposal and some in regard to their latest recommendations.

I would further recommend if the Commission should desire to adopt the procedural recom-

mendations in principal, direct staff to develop and submit a concrete proposal that would take into consideration the exceptions we have in mind to the Commission for entertaining. And the reason I would request the Commission to adopt the Procedural matters in principal and then direct us to develop a specific General Order for you is that I feel we can proceed upon the procedural things of record keeping, complaint receipt, bi-lingual pamphlets or whatever it may be, without regard to the other matter of Staffing.

In regard to the Staffing phase, I would recommend three things, 1.- that we consider the Staffing matters in conjunction with the forthcoming fiscal year budget because we are now in the process of working on next year's budget. The policy stance of the Mayor and the Board of Supervisors, as I recall, is that they will not accept Supplemental Budget Requests. Because of that factor and particularly because we are in the process now of developing the budget, I would recommend that we consider Staffing in conjunction with that process.

Secondly, I would urge the Commission to become more knowledgeable about the Investigative Process and techniques in our present Internal Affairs Bureau. I full well recognize, of course, that you have seen the work product because you review every single report. But by acquiring the knowledge, as you have ridden with patrol officers for example and watching what our investigators do, police investigators, then you acquire a greater appreciation and knowledge of some of the Complaints involved, which leads to my third recommendation on Staffing.

That is there should be an on-site visit by at least one member of the Commission and one Staff member, to Cities which have non-police Investigators, specifically Chicago. The Bar Association did furnish us with material about Chicago, but I think that an on-site visit would be essential, because we have reports now of non-police investigative functions in other cities. I should think that the Commission would benefit by being able to evaluate better having non-police investigators with an on-site visit to Chicago for example.

Those are my recommendations then, (1) considering as two phases, adopting in principal the Procedural matters, direct Staff to submit to you a specific General Order containing its recommendation regarding what those procedures should be and then consider Staffing as a second phase. That is going to be the harder issue. I think the on-site visit and becoming knowledgeable with Internal Affairs would be needed. I would like to comment just briefly on some of the exceptions that I have in mind.

It is already known that the Director and Staff has to be under your appointed Chief of Police. In regard to the latest recommendations of the Bar Association, one, that the Panel be selected by the Police Commission, Commissioner Ciani spoke to that

as a legal matter and it probably could not be done without a Charter change. Item number 6 of the....."

Commissioner Murphy: "Excuse me Chief, but I think that with the recent change in the Charter it is very possible that we could have a different sort of approach to that."

Chief Gain: "No, no, I am just giving my observations now, I am not saying that this is lord...."

Commissioner Murphy: "No, I know you are not, but I think it is changed since the election."

Commissioner Ciani: "You can contract for it as a contractual matter with a specific entity. That would be different from just going out and hiring Hearing Officers from....."

Commissioner Murphy: "Yes, I am talking about contracting for them, 'under the Administrative Procedures Act."

Chief Gain: "Well, those are just my observations about the exceptions. The other exception that I would want to point out would be in regard to item number 6 of the Bar Amendment, 'An evaluation committee should be selected by the Police Commission to develop evaluation criteria, monitoring functions and etc. That I would think would require a City Attorney's Opinion also in light of Section 3.500 of the Charter, and that is with all due respect to the Commission of whether the Commission can under our system where you operate through your Administrative Officer, appoint a Committee to monitor and evaluate that would in effect bypass your appointive officer. So these are just some of the exceptions and that is minor detail. What I think is needed this time is again to act upon those matters which we can readily act upon. Procedural matters and then Staffing as a harder question will take more time."

Commissioner Murphy: "in the budgeting process would you see this as a possible place we could start in ways of a performance budgeting, take this as a unit and then breaking it down into a line item? It seems to me this would be almost ideal to begin with with what you expect of this unit to do."

Chief Gain: "A problem Commissioner with performance budgeting which we talked about before as far as desirability in regards to the forthcoming fiscal year is that the format that evidently is being adopted by the Mayor's Budget Office will not be in the Program Budget format. And then given the format they want the details, they want the time it is going to take us to develop information for that format. I really question it at this time with just a

few exceptions with something like this as a special matter if you could get it it would be a very wide program budgeting process."

Commissioner Murphy: "I meant just for this special situation."

Chief Gain: "I should think we could in regard to this."

Commissioner Gallegos: "Would your General Order, the one that Staff would be directed to know, would that include a timetable and would it be predicated upon the adoption of the full blown review process, or predicated upon what we have done now? There are two kinds of a General Order, one would be when you go all the way so to speak, with the Bar Association Proposal, the other would be without Staffing, keeping the present Staff and what could be done to integrate them."

Chief Gain: "To make myself very clear, my recommendation was that we take all procedural matters as a phase, Staff be directed to develop then a new General Order which would replace our existing General Order that governs Internal Affairs Bureau functions and of course we use as a basis the Bar Proposal Recommendations section by section. I decided our own procedures now, the Bar Association Procedures even with Bar Representatives and perhaps other people and develop that in a General Order to submit to the Commission which, of course, is subject to your change as you may wish. But then we would at least take our back phase which has been pointed out by various Commissioners that it can be done."

Commissioner Murphy: "The first thing would be to revise the present procedures."

Commissioner Hall: "The next would be revision. So we're talking about revision, improving rather than replacing."

Chief Gain: "Yes, the things I'm suggesting that you adopt in principle are the procedural matters. That would be the whole process used, the record keeping, the developing of forms and all those matters in the Bar Association proposal other than personnel and that the other recommendation as regards to personnel, just let me repeat quickly, is considered as a matter of forthcoming fiscal year budget. For one thing, to become more knowledgeable about the present IAB procedure, by even sitting in there as is appropriate, listening to interrogations or whatever, so that you get a better idea not just from reading reports of what do police investigators do. And the third recommendation which follows is an outside visit, maybe Chicago or Philadelphia so that one or more Commissioners along with staff members if that's appropriate, get to find out what non-police investigators do."

I'm suggesting that in regard to staffing phase because this is a very complex serious long-term matter that we're talking about. I just don't feel that the Commission has been thus far provided with information and knowledge to make an evaluation without actually seeing what's going on in other cities. The cost factor is inherent when you look at the staffing problem. The contracting of hearing officers, everything else."

Commissioner Ciani: "First of all, on the first proposal if we were to resolve this evening to adopt the procedural outline, how long would it take to present to us your final proposal for changing the procedures? I assume that you're prepared to do that almost immediately."

Chief Gain: "Well, some fifteen, What I've done and some staff....This is the Bar Association proposal. We read that section by section. We noted words about the same or the same and whether or not, it's a matter of staff time which is a serious matter now. Just taking staff time to go at this full force."

Commissioner Murphy: "How long do you think it would take?"

Chief Gain: "I would estimate now and report back to you in it should be three weeks. And have a target date of three weeks for the completion. Now whether we can achieve it in three weeks I don't know. Just to give a target we would be reporting back to you and the Commission, we are anticipating getting a draft in three weeks. Now, we have severe staffing problems. We have so many projects going that we might not be able to make it."

Commissioner Ciani: "I would also like to ask the same question with respect to the second part of your proposal. You suggest that we try to aim for the next fiscal year but that really means that we would have to make decisions on this pretty soon as we're now nearing the time when we have to start working on the budget for the next fiscal year. What is the timing of that and do you really think it's feasible given your recommendations that we go to Chicago and study the present IAB?"

Chief Gain: "My impression is now we have to have the budget in the Mayor's Office the latter part of January or first part of February."

Commissioner Ciani: "Before that time we would have to make decisions on the hearing officers, civilians, and whether we're going to seek funds for a location outside the Hall of Justice."

Chief Gain: "Yes, it would all be a matter of budget."

Commissioner Ciani: "Now what about the civil service status and all that sort of thing. Would we have to wait to start that process until after a decision is made?"

Chief Gain: "Yes. All these things relating to staffing would be the specifications. We could ask civil service to start that. We need to do classifications for the various positions as soon as we're ready. In any case, do you want the director and the hearing officers and the non-police investigators? I realize that there's time constraints. The reason I'm putting my recommendations in these terms is considering the impact and the employment regarding the next fiscal year budget, if the Commission discerns that time doesn't permit, then we're talking about delaying for one more fiscal year or.....unless supplemental budget requests are entertained."

Commissioner Ciani: "No. I think in my meeting with Mr. Orsi he suggested that we could start the process of putting these things in the budget without having done the specifications for the job by using the existing "staff assistant" categories. He said that we could do that as a way to coordinate it, to get it moving."

Chief Gain: "The reason I see for recommending to be considered with regard to next year's fiscal year budget is that we would have to take in to account the number of police positions we'd be asking for in that budget, based upon.....factors so that whatever number of positions would result in X number of dollars.....to provide the funding, you'd have to provide for that in the budget."

Commissioner Gallegos: "Chief, you stated in the first part of your procedural recommendations, not the second part of your staff development, that Jim Waters was mentioned without regard to staffing. The first part was adopted."

Chief Gain: "My recommendation was to adopt procedural matters from the Bar State Judiciary Proposal, in principle."

Commissioner Gallegos: "Only the procedural matters?"

Chief Gain: "Just the procedural matters -- in principle. Adopt them. That's my recommendation and my recommendation in regard to the staffing was to 1) consider the argument of budget, acquire more knowledge

about our present IAB function insofar as police persons doing investigating and then a site visit to Philadelphia and Chicago where non-police persons are doing it, just to acquire a better fix on whether you want non-police investigators."

Commissioner Gallegos: "I would think that most people would agree that procedural matter of the Bar Association should be workable within the confines we have now. I don't think anybody's going to disagree with having viable procedures. On the question of costs, they need to be analyzed and we'll have to take a hard look at what the cost figures mean in terms of what's to be done and taken to the Board, and so on.

Would you like to comment at all about the issue of investigation by personnel who are either civilian or do you hold out the hope that we can improve the present system with the personnel who are police or....I don't want to put you in a spot but I think that it does come to the question of where we are moving."

Chief Gain: "I've already stated publicly, I think, at some of the hearings in pieces and bits, what my feelings are, and what I've stated is this; There is no question in my mind, I say for a fact, that police personnel in an Internal Affairs operation can work effectively and objectively and so on. I have had the experience personally elsewhere as Chief of Police for six (6) years. It does work. I also stated, though it is very difficult, because what it means is that we will always find the Internal Affairs Bureau process under attack. People scapegoat that process.

Whereas the usual problem in the Police Department is not the Internal Affairs Bureau process or investigators but rather the persons administering the Police Department, abdicating responsibility, not taking appropriate action when they should in order to insure conformity to behavioral conduct rules and whatever. So it is very difficult and what happens ipso facto is that when the Chief of Police does insure thorough objective Internal Affairs investigations he is ostracized from his Department and so on. Now that is the part of the business of being an administrator in the Department, so it can work.

It depends always though on the policy makers for the Police Department, in this case, the Commission and the Administrative Officer the Commission hires. There is the Key, that has been the key in the City and County of San Francisco. It is not the Internal Affairs process that was the problem, they are being condemned, but it was the Police Commission and the previous Appointive Officer of the Commission. So what we are talking about here, and my feeling, is not the present Commission, not the present Chief of Police, but looking at past history what I hear citizens saying that they want some assurance of an institutional process with the appropriate persons staffing that process so that in years to come when this Commission is not here,

have some type of process institutionalized that will withstand time and not revert to that to which it was before. I think that is a fair characterization of the problem, so just to capsule, it will work.

Right now we have dedicated investigators, they are doing a very thorough objective job which you know. Why are they doing it? Because we hold them to account which they want to be held to account and we support them. Time and time again I have had investigators in the Internal Affairs unit particularly the Captain, state to me that this is the first time in his knowledge that the Internal Affairs Bureau was supported by the Chief of Police, that is in doing a thorough objective job and then after they have done their job, insuring that persons were appropriately charged or whatever.

So that is what we are dealing with. So if the police can't do it, there is nothing to say that non-police can't do it. That is why we suggest an on-site visit to Chicago to get a better feeling for that. There is no reason why if the specification calls for a certain academic attainment if that be the case or degree of experience as investigator that non-police persons could not do the job."

Commissioner Siggins: "Chief, you told us on more than one occasion I think, that most Sergeants don't want to be assigned to the Internal Affairs Bureau."

Chief Gain: "Yes, yes, I have pieces of paper where we have assigned Inspectors and others in the Internal Affairs Bureau since I have been Chief of Police and they have made written requests to go. One of the reasons given for example, and there has been relatively few people, but it is illustratively of the problem, 'I want to get out because I value my relationship with my fellow officers more than I do in doing a job in here.' Another is, 'It is a stress job and I want to get to another job,' and things of that nature. It is not a job I stated this for the record in public hearings that is embraced by too many policemen. Now some individuals of course, Sergeants and Inspectors will work in there willingly, the present staff in the main, will but lets face facts, when we have a situation where Internal Affairs Bureaus within police departments are made the bad boys generally by police associations, it is not a desirable place to work.

We find usually in police departments that the employee associations will support police personnel who gets too many allegations made. That's a part of their role presumably of a Police Officer Association. So they are usually saying watch out there, be cautious or whatever, so when it comes to job satisfaction of an individual in Internal Affairs, we can see that it is dedication and self satisfaction that really results in a person wanting to go in there and stay. It is probably the least desirable job in

a police department. The things mentioned about the sub-cultural aspects of policing, particularly about Professor Jerry Skolnich, are very true as a generalization when it comes to police departments because we do get intense affiliations. The brother officer syndrome which has good and bad aspects but if it's an aspect that brother officer syndrome protecting brother officers as does exist at times in some police departments, if it is a matter of we against them, we the police against them, the Community, when something occurs there is a tendency to cover up and that can occur. That was what was meant by that. Now a sub-culture when it comes to race and ethnic considerations be it attorneys or businessmen. You have cultural traits of jobs. But it can be very deleterious in public institutions such as the police particularly because as mentioned by one Commissioner the authority that is vested in a police officer's job. I would see then that when it comes to institutionalizing what we do here we would have to do our best to support officers who do adhere to conduct rules, to provide procedures and personnel that will do the best that they can taking into consideration the allegiance to officers or whatever to provide the service citizens need. We're really dealing with a situation when it comes to policing the United States, I would submit, of very few police departments where you find policy makers who are very cognizant of the welfare and needs of personnel and at the same time holding appropriately to the cop. And very few chiefs of police do it. That's why we have particularly in heterogeneous cities with substantially poor minority populations, hues and cries about police brutality. When they exist in such numbers of persons over such continuous periods of time, it just means something's wrong insofar as what's going on in that police agency."

Commissioner Gallegos: "It seems to me that the Chief's recommendations provide a process by which we move toward some improvement, or hopefully great improvement, fundamental improvement in the IAB. The question still remains about what posture the Commission wants to take relative to where we should stand. I think ultimately we've got to really make some recommendation on that because it seems to me that the Chief's recommendations, at least from my point of view, are helpful. We can at least begin to move on procedural matters now instead of waiting until we finally get all kinds of statements from the City Attorney or whoever about what we can do or can't do. I'm all in favor of that. I think we've got to consider staffing in conjunction with the fiscal year '77. Particularly the statement you made that the Board may not consider supplemental requests later in the year. We want to contribute what we need to do it with. I would like to ask my fellow commissioners whether you feel more information is needed about a recommendation that deals with the issue of staffing or whether you think we're ready to make known to the Chief exactly what we think. I think that's what a lot of people really want to know."

Commissioner Ciani: "Speaking only for myself, I'm inclined to think that ultimately there's more value in going ahead with this. I do think that we ought to proceed now on a timetable that will permit us to get everything done for the fiscal year '77, if we decide to do that. I'm inclined to go ahead with that, but I speak only for myself."

Chief Gain: "First of all, I don't think we know-- we should know, but we don't -- when the budget has to be put together. I should have checked on that; sometime in February. We're trying to work on that; I think we were late. It's a very short time and we are in the process now. We just put out a bulletin. We have to start identifying the capital outlay needs and the personnel needs. In January, we're going to have to be submitting our documents and our requests to the Mayor's office."

Commissioner Gallegos: "Speaking for myself, I do agree that in everything we've heard about the need for civilians to do investigatory work, that in my mind I have no problem with accepting the fact that although we have Chief Gain and that staff that we have now, to do supervision of investigatory work that it would be quite some time before the public would ever believe that anything was different. This is a reality we have to deal with because of the history of the past. It seems to me that at least from the testimony that was given it was very clear to me that a vast majority of the people, 99% of the people we heard from believe that change is needed and that the best process for insuring that there is justice in the handling of these complaints is by having civilians do the investigative work. This is a very strong sense of opinion that came through, that causes me to lean towards to recommendation that staffing in conjunction with fiscal '77 include this plan for civilians for investigatory work, as insurance for future plans."

Chief Gain: "I think you've concluded from my de-emphasis of this that I just don't feel that I know. Perhaps you're that well informed so you can make a decision. That's why I didn't make any recommendations about that."

Commissioner Gallegos: "I sense that coming out of your recommendations, but I'm saying that at least where I'm at right now in reaction to everything we've heard, or almost everything we've heard, that certainly the civilian has a role."

Chief Gain: "Without question, the Commission would take a position tonight in regard to staffing. Then we'd be in a position to go ahead and start all the studies needed and the whole thing. Otherwise we are really probably not going to be able to get it done for the next fiscal year because of the budget constraints. We are getting that budget together."

Commissioner Ciani: "I would be in favor of giving whatever authority is necessary to get a preliminary study which we can consider during the next few weeks as we perhaps pursue your recommendations to learn more about the civilian investigators in Chicago and the Internal Affairs Bureau. You could be working on developing the necessary background to put this into the budget. I would emphasize that as far as we know there isn't any total package such as what the Bar Association proposes. There isn't any model that we can really get a good idea from studying. There are civilian investigators elsewhere but not the total of what's being proposed. So we're going to have to be revolutionary in some measure in adopting anything like this."

Chief Gain: "If I might say it, there's a great deal of work on this should you decide on the staffing aspect. I invite you doing it all. But I would like to suggest that there be enough strong feeling to warrant the work because we are swamped literally as you know. We're short staffed. So we'll put the effort into it. Then it should be with the potential of in fact having non-police investigators and the whole thing to warrant the work load really. Because I don't know at this point who we're going to get to do this work. But we'll get them."

Commissioner Siggins: "It seems to me that your requested address for next week should be on what it would take and just have it in mind."

Chief Gain: "With regard to the staffing?"

Commissioner Siggins: "Yes. With regard to getting the proposals ready to be a budget item."

Commissioner Murphy: "Could I inject something here? I've prepared hundreds of budgets and I know what you're talking about. I think we're just dreaming if we think that we could really get a proposal ready for the Mayor and the Board of Supervisors that he wouldn't just laugh us out on our face with by February, for this operation. I would like to say I agree with Commissioner Gallegos completely. I do think we have certainly the sense of this community, even though I'm sure we didn't hear from everyone. We heard from a good many that something has to be done with this operation. It has to appear -- not only appear but it has to be -- different. For those situations that are seriously in violation, and so on. I just wonder if we couldn't be a little bit more imaginative and see if we couldn't figure out some way that we can hand the Board of Supervisors and the Mayor a package that would involve the hiring of an investigative group. I'll put it this way; I don't think it would have to be a tremendous staff -- on a contractual basis. Hiring of hearing officers on a

contractual basis. We wouldn't have to go through all the Mickey Mouse staff of Civil Service and it is just terrific. Does anyone know whether they even write specs for this? Probably there is, there must be somewhere, but I don't know where they are. And to have your orals, and all those hearings -- it's just unbelievable. But anyway, is there any possibility of our just taking a real quick look at how we can have a nucleus that would at least meet some of the problems that we have here. A nucleus of staff that we could give in a package way to the Board of Supervisors and to the Mayor?"

Chief Gain: "Do you mean a supplemental budget request?"

Commissioner Murphy: "It wouldn't have to be a supplemental budget because it would be part of your budget request."

Chief Gain: "So you're suggesting doing it right now. We don't have any money to do it with. In fact, we don't have any money. Our budget is so tight now..."

Commissioner Murphy: "We would prepare a plan. That might get right in touch with the whole budget process."

Chief Gain: "Wouldn't that plan not have to tie into the budget, because we don't have funding right now to implement the plan."

Commissioner Murphy: "Yes. To ask for it in this fiscal year."

Chief Gain: "May I suggest this? In regard to the budget, using as a precedent the position of Director of Community Relations. What we did for the current fiscal year budget, as you recall, we were late in January. We placed in the budget the position of Director of Community Relations. That job has not yet been classified. I should think what we could do if we decided, based on work-load, that we needed (if we chose to go this way) twenty non-police investigators, we could put those positions in the budget, assign them costs, direct salary costs and fringe benefits. They would go in. And when it comes to the director, that could go in as a position. The classification process would come later."

Commissioner Murphy: "So many hearing hours at \$42.00 an hour? So many hours of hearing officers' time at \$42.00. At least if we get it in the budget in some form."

Chief Gain: "We could do that. That kind of sums up what I have for next week. That would be no problem."

What I said would be quite an arduous staffing workload problem would be specifications and classifications."

Commissioner Murphy: "That's what I'm trying to get away from."

Chief Gain: "We can get away from that. Right now, we're not fighting such a tight deadline when it comes to putting into a line-item budget the number of positions. We could plan on that, and we could get some fix on costs, probably right away. When it comes to vacancies, we're going to have to make sure, with regard to police or other positions that we're going to have to delete to fund these investigators, why we might do that within a week or two weeks. What we need is an indication from the Commission as to what your desire is."

Commissioner Ciani: "I'd like to clarify what you are proposing; that we try to contract, even at the beginning of the next fiscal year, civilian investigators in some way. I'm not sure but based upon testimony in the record and what we discovered in meeting with Mr. Orsi, I think that where there is an existing classification that performs the same function, you have a real obstacle to contracting outside of Civil Service. Service contracts are not that easy to get approved by the Board of Supervisors."

Commissioner Murphy: "Whichever's the easier is all right with me, but in my experience it's a very long drawn out process to get it to go through State Civil Service. They have the specs and files. I don't know. We should pursue this."

Commissioner Gallegos: "It seems to me that how we could do something isn't quite as big as what we want to do -- what we want. I think the Chief and Mr. Siggins have raised the point that he needs to have a feel whether we feel strongly enough about something that it's worth the time invested. We've not to make it clear, because otherwise we're taking it on the basis of the possibility of considering this staffing relationship for fiscal '77. I would like to get an impression from Jim Hall about how he feels. I think the State Judiciary is considerably concerned about this -- I know it's in part, procedure, but I think it's really a question of who would do the investigating."

Chief Gain: "Let me suggest that you adopt a resolution adopting in principle the staffing as recommended by the Bar Association. That would be a direction for the staff to go ahead and do what has to be done."

Commissioner Murphy: "I don't think that does anything."

Chief Gain: "Well, unless you want to make notes. If you want to adopt a resolution to go ahead and do it, we'll do it."

Commissioner Siggins: "Let's accept the judiciary report. It's not irreversible and at the same time we can follow the suggestion of the department and look further into current procedures. Each commissioner get down there and spend some time. We're not planning to vote on this tonight."

Commissioner Gallegos: "I would like to get at least some expression of where we're at on this. Because if there are people who feel strongly, I'd like to hear about it. It may help the Chief on the question of how do you insure that if you have a mayor and a commission of the police and a staffing body that is presently doing the maximum job, how do you overcome this and how do you insure the future? I'm really concerned about that."

Chief Gain: "You cannot insure the future. If Mayor Moscone is not re-elected in four years, or if he runs for eight, after he does for eight years (assuming re-election, which I would) you don't know what's going to happen after that. The history of the City of San Francisco does not speak well for what would happen if past history is the determinant of future history after the present administration."

Commissioner Gallegos: "I think it would help if we would indicate to the citizens of San Francisco how this Commission feels. I think it's time to speak."

Chief Gain: "Let's speak to the contract matter. If I may voice it, I would be opposed to contract out for investigators to fulfill this function. As I would see the contract, it would be done by the Chief Administrative Office of the Board of Supervisors. We would be letting out a contract so someone would submit a proposal. They are doing our investigations. Where do we insure control of those individuals? I really, if I may say it, I would be adamantly opposed to contracts."

Commissioner Gallegos: "I would like to make a motion that this Commission go on record adopting in principal, at this time, the Procedural recommendations and the Staffing recommendations made by the Bar Association, taking into account the fact that there are exceptions noted by the Chief, which I haven't read yet, but I think we need to know what they are and that Staff be directed to develop a General Order before the Commission in two parts; I think without STaffing, but also with Staffing. It seems to me we've got to have that option clearly worked out, and the second part of that, we consider, in Staffing consideration, in conjunction with fiscal '77 and that the Commission also undertake to become more knowledgeable about the investigatory process of Internal Affairs Bureau and agree that we

make an outside visit as required, if necessary, to educate ourselves to whatever information that may be helpful in making the final decision about the matter."

Commissioner Murphy: Commissioner Gallegos, don't you want to break that down just a little bit?"

Commissioner Gallegos: "Well, as I understand it, it was in two phases, the recommendation was one pertaining to the Procedural."

Commissioner Murphy: "Can we do that one first?"

Commissioner Gallegos: "Which was to adopt, in principal, the procedural recommendation of the Bar Association proposal taking into account the fact that there were some 15 exceptions which the Chief will note and call to our attention so not knowing what these exceptions are, we can certainly say that in principal, we adopt the procedural recommendations made to us by the Bar Association."

Commissioner Siggins: "Which means that it would be the subject of a draft of a General Order. Is that correct?"

Commissioner Gallegos: "Well, that we can do to implement the"

Chief Gain: "Yes, in the sense of the Resolution adopted, you can direct the Staff to promulgate an order to submit it to you for approval."

Commissioner Ciani: "Within three weeks?"

Chief Gain: "With a target date of three weeks, please!"

Commissioner Ciani: "To report to us in three weeks."

Commissioner Siggins: "We will take that motion now."

Commissioner Hall: "That would be the motion that I would be inclined to agree with."

Commissioner Ciani: "That's the second motion. Bifurcating the motion."

Commissioner Hall: "I am talking about the first motion."

Commissioner Gallegos: "What we are talking about is what procedures you would change, whether you have the present system or you are making them up."

Commissioner Hall: "Well, I go along with that."

Commissioner Siggins: "Is there a second to that motion?"

Commissioner Murphy: "Second."

Commissioner Siggins: "Seconded by Commissioner Murphy. All in favor?"

Ayes: Unanimous.

Commissioner Gallegos: "Okay, the second part of the motion is that Staff be directed to develop a General Order for the Commission with regard to Staffing of Civilians, that is the Investigatory Staff I am thinking of."

Commissioner Ciani: "Do you mean we would be approving in principal the use of civilian personnel?"

Commissioner Gallegos: "What I want to include in the motion is that we develop proposals that consider staffing for the Office of Civilian Complaints in conjunction with the fiscal 1977 budget. I am not directing what that process, that is, how it is to be done, by contracting or just if you want a proposal that deals with the issue of staffing in such a complaint process using civilian personnel and Investigatory Officers as well as Hearing Officers."

Commissioner Ciani: "It has to be such that it could be included in the next fiscal year budget so it would be backwards in time from that."

Commissioner Gallegos: "In conjunction with fiscal '77."

Chief Gain: "If we may, I will report back to you in three weeks, as I take the Resolution now, the pattern of Staffing would be the Non-police Investigators, Hearing Officers, plus Director. You left out Director and that would be included. So what you want us to do is to get a cost estimate based on work load and number of positions and cost of salaries."

Commissioner Ciani: "Would the Staffing feature include the feasibility of an off-site office? I think that is an essential part of it."

Commissioner Gallegos: "I would agree with that. I would like to get the Staff part in it."

Commissioner Ciani: "Yes, but that would be a part of the budget too. But is it your motion?"

Commissioner Gallegos: "Yes, my motion, let's deal with the Staff portion of it."

Commissioner Siggins: "Alright, we have that motion, is there a second?"

Commissioner Hall: "I have a question to that, you have the staff already in the Bar Association Proposal. I don't know what the Chief could be doing other than what is already in there. Also I would like to....."

Commissioner Gallegos: "The cost Austell."

Commissioner Siggins: "We don't have any idea of the cost now. The only thing that I ever heard was that there was a potential savings and then later on it was found out that to be realistic it was going to cost more money, and we never had it figured."

Chief Gain: "We gave you a very quick, off hand estimate, that I think perhaps it would save \$120,000 dollars. That was a very quick estimate."

Commissioner Siggins: "Well, I think that the feeling of the majority of Commissioners is the feeling that we should go ahead and at least get some facts."

Commissioner Gallegos: "I believe that the issue of Staffing requires an assessment of the cost as well as what is required legally."

Commissioner Ciani: "also, any necessary Charter Amendments and Procedural steps of going through Civil Service with other alternatives."

Commissioner Gallegos: "Yes, I think the reason for that is it should be clear to the public that whatever we wish or don't wish is not necessarily the final authority. I think we need to know exactly what is required in order to implement or not implement it."

Commissioner Hall: That is why it is based on the assumption that we will follow the recommendations for supporting it. And that's why I am not for that kind of support. I guess I have been upstaged in that."

Commissioner Gallegos: "Well, I am inclined to..., that unless we give the Chief some indication of where we stand on this thing it might be deferred and then budgetwise, even if we wanted to make a change, we couldn't because it would be too late."

Chief Gain: "We will work assiduously to get the report. I am going to have to take personnel from other projects to work on this and if the motion passes then we will report back to you with a written report in three weeks as to where we are on staffing cost and numbers of personnel so now may I ask if this is the Hearing Officer Panel that we are talking about as opposed to one hearing officer? That is not clear in the motion."

Commissioner Ciani: "Well, perhaps it is implicit that we should consider the alternatives, using attorneys, using some Arbitration Association members, or using Civil Service Hearing Officers."

Commissioner Gallegos: "I think we need some comparative cost, Chief."

Commissioner Siggins: "The motion has been made and seconded. All in favor?"

Commissioner Gallegos, Aye, Commissioner Ciani, Aye, Commissioner Murphy, Aye, Commissioner Siggins, Aye, Commissioner Hall, Nay.

Commissioner Hall voted Aye as far as Procedural recommendations were concerned, but Nay for the staffing portion of the recommendation.

Commissioner Siggins: "The motion passes, is there another motion?"

Commissioner Gallegos: "I really think in regards to the previous motion that we look at the question of housing and what the staff requirement is by way of housing and so on. But I think basically I would make the following motion, well maybe just an understanding, that we consider ways by which this Commission can expand its knowledge regarding the present investigatory process of the Internal Affairs Bureau as suggested by the Chief, I think we ought to look into the present process that is used and see what the staff is doing and how they do it. And also to consider the possibility of the site

business or whatever is necessary to expand our knowledge regarding the use of Civilian Personnel as well as what the present staff is able to do."

Commissioner Ciani: "Well, I think only the first part of that might be appropriate for a motion, that is to consider and report back on the feasibility of using some site other than the Hall of Justice or a police station."

Commissioner Murphy: "I really don't think the on-site visitation would amount to much frankly, because they aren't a prototype of what we have here or what we aim to have."

Chief Gain: "Well, my main point, if I may suggest on outside visitation is not the process but rather how competent personnel we get for that job of detective as a non-police investigator in one of these cities as compared to our Police Investigators. Taking in consideration the complexity of the various investigations which are now undertaken by our people to be undertaken by non-police persons, the relationship factor as between our present police investigators and other police agencies, find out what's going on, how effective the relationships are between the non-police investigators and personnel of other police agencies and I would develop this more in further conversation with you later at another time if you desire, because a real key thing in my mind when it comes to police investigators, not saying that non-police investigators can't do it, is that in many of our investigations, we have one underway now, which I won't speak to in detail, which call for our Internal Affairs Investigators to talk in a very candid manner to police personnel in another police agency in the Bay Area in order to get them to be truthful and open in providing information and some of these type things that I think are what you might want to evaluate."

Commissioner Ciani: "Do we vote on the motion that we get some feedback on the outside location?"

Chief Gain: "I would emphasize that we do, in fact, have in our budget, Travel Funds. The Commissioners of course are authorized to use those funds and I would urge strenuously that at least one Commissioner make an on-site visit to one of these Cities where they have non-police investigators."

Commissioner Siggins: "Well, we will look into it Chief."

RESOLUTION NO. 544-76

POLICE COMMISSION RESOLUTION ADOPTING IN PRINCIPAL THE BAR ASSOCIATION'S OFFICE OF CITIZENS COMPLAINT PROCEDURAL GUIDELINES AND STAFFING WHICH INCLUDES HEARING OFFICERS, A DIRECTOR, CIVILIAN INVESTIGATORS AND AN OFF-SITE LOCATION FOR HOUSING ALL TO BE CONSIDERED FOR INCLUSION IN THE POLICE DEPARTMENT'S 77/78 FISCAL BUDGET, TAKING INTO ACCOUNT 15 EXCEPTIONS NOTED BY THE CHIEF.

WHEREAS, at the Police Commission meeting of Wednesday, November 10, 1976, the Police Commission and Department Staff discussed the San Francisco Bar Association's Proposal for the establishment of an Office of Citizens Complaint Procedures; and

WHEREAS, during the discussion it was recommended that the Office of Citizen Complaints Procedural Proposals only be adopted in principal and that the Chief of Police and Staff be authorized to prepare a General Order and report back to the Commission in approximately three weeks with a cost estimate, including an off-site location for housing; therefore be it

*NAY: Commissioner Hall

RESOLVED, that the recommendation for adopting in principal the Bar Association's Office of Citizens Complaints 'Procedrual Guidelines and Staffing which includes Hearing Officers, a Director, Civilian Investigators and an off-site location for housing to be considred for inclusion in the San Francisco Police Deparmtnet's Fiscal 77/78 Budget, taking into account 15 exceptions noted by the Chief, be, and the same is hereby approved.

AYES: Commissioners Ciani, Gallegos, Murphy, Siggins, Hall

NOTE: *Commissioner Hall voted Aye as far as Procedural recommendtions were concerned, but Nay for the Staffing portion of the recommendations.

Commissioner Ciani: "If there is anyone here thinking that public testimony would be accepted, we want you to know the reason that we are not accepting it is it was never publicized by us as a public meeting for accepting public testimony."

Commissioner Siggins: "Well, is there anything further on this? Then let's go on to the next item."

RESOLUTION NO. 537-71

HEARING OF POLICE OFFICER MICHAEL H. GALLAGHER,
PARK POLICE STATION.

WHEREAS, the hearing of Police Officer Michael H. Gallagher, Park Police Station, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, attorney for Police Officer Michael H. Gallagher, has requested a continuance in this matter because of Officer Gallagher's incapacitation due to earlier injuries sustained; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael H. Gallagher, is set for Wednesday, December 1, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

30 DEHARO STREET - BAY SIDE ELECTRICAL DISTRIBUTORS

- a) At 30 DeHaro Street, install a 30' yellow zone, to extend from 6' - 36' north of south property line.

699 SPRUCE STREET - MERCANTILE TITLE COMPANY

- a) At 699 Spruce Street, revoke existing 63' green zone.

627 COMMERCIAL STREET - CAROLYN HUIZAR HAIR DESIGNER

- a) At 627 Commercial Street - revoke existing 32' white zone.

636 SEVENTH AVENUE - FRANK MCCOPPIN SCHOOL

- a) At 646 - Seventh Avenue, install a

22' white zone, to extend from 76'
98' north of the south property line.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 95 feet of green and white zones at various parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 529-76

ALLSTATE INSURANCE COMPANY (BOSTIAMSEN)

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of Allstate Insurance Company (Bostiamsen) against the City and County of San Francisco in the sum of \$508.38 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: June 8, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 530-76

CONTINENTAL INSURANCE COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Continental Insurance Company against the City and County of San Francisco in the sum of \$390.87 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: March 7, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 531-76

MARYLAND CASUALTY COMPANY AND THEIR
ATTORNEYS CARL WETTEROTH, JR., DEVINCENZI
AND ST. MARTIN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Maryland Casualty Company in the sum of \$793.73 in Municipal Court Action No. 713777 entitled, "Maryland Casualty Company v. City and County of San Francisco, et al," as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: April 23, 1974

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 532-76

UNIGARD INSURANCE GROUP (STANLEY R. CARROLL)

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of Unigard Insurance Group (Stanley R. Carroll) against the City and County of San Francisco in the sum of \$624.94 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: August 16, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy,, Siggins

RESOLUTION NO. 533-76

RAMIRO VILATO AND HIS ATTORNEYS RUDOLPH
A. HOFFMAN, RODRIGUEZ & HOFFMAN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Ramiro Vilato in the sum of \$1,800.00 in Municipal Court Action No. 727-793 entitled "Ramiro Vilato vs. City and County of San Francisco, et al," as the result

of a collision with a police vehicle be, and the same is hereby approved.

Date of Accident: December 31, 1974

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department :

- a) Lieutenant Lorin D. Clem, Ingleside Police Station, for service, effective September 17, 1976.
- b) Lieutenant Thomas I. Stack, Richmond Police Station, for service, effective September 15, 1976.
- c) Sergeant Frank J. Coombs, Southeast Police Station, for industrial disability, effective November 8, 1976.
- d) Police Officer Arthur Stachnick, Police Garage, for service, effective November 1, 1976.
- e) Police Officer Donald F. Cavanaugh, Southeast Police Station, for industrial disability, effective October 28, 1976.

The communications were ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO.534-76

POLICE COMMISSIONER RICHARD J. SIGGINS AND CHIEF
OF POLICE CHARLES R. GAIN

RESLVED, that Police Commissioner Richard

J. Siggins and Chief of Police Charles R. Gain, be, and they are hereby authorized to attend the Annual California Trial Lawyers Association Awards Luncheon in San Diego, California, on November 12, 1976, be, and the same is hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy

NOT VOTING: Commissioner Siggins

RESOLUTION NO. 535-76

REQUEST TO TRANSFER UNALLOTTED FUNDS

RESOLVED, that the Controller be, and he is hereby requests to transfer \$1,250.00 from unallotted funds to allotted funds in Appropriation No. 6.161.958.000.000 (Community Relations Miscellaneous Expense) to cover pending encumbrance request which is good for three (3) months.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

RESOLUTION NO. 536-76

TRAVELING EXPENSE VOUCHER - APPROVED.

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program; said expenses having been approved by the Chief of Police, be, and the same is hereby approved:

Lieutenant Richard D. Klapp,	\$150.00	(California Com-
Personnel & Training	)	(mission on Peace
		(Officer Standards
		(and Training at
		(Indian Wells, Cal-
		(ifornia, from October
		(27, 1976 to October
		(29, 1976, inclusive.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

WEEKLY SICK REPORT

Chief of Police Charles R. Gain, submitt-d a report of members of the Department off

duty due to sickness and disability for the week ending Tuesday, November 3, 1976 at 2400 hours as follows:

	<u>PREVIOUS WEEK</u>	
Daily average for the week sick	72	71
Daily average for the week disabled	<u>124</u>	<u>117</u>
TOTALS	196	188

This is an increase of eight (8) members off duty daily from the previous week.

	<u>PREVIOUS WEEK</u>	
Daily percentage for the week sick	3.68	3.64
Daily percentage for the week disabled	<u>7.48</u>	<u>7.02</u>
TOTALS	11.16	10.20
Disabled at start of week	118	
Started during the week	19	
Returned during the week	26	
Disabled at end of week	111	
Net Gain or Loss	-7	

Sick and disabled for week ending Saturday, November 8, 1975 at 2400 hours:

Daily average for the week sick	61
Daily average for the week disabled	<u>89</u>
TOTAL	150
Daily percentage for the week sick	3.22
Daily percentage for the week disabled	<u>4.85</u>
TOTAL	8.07

Sick and Disabled for the week ending, Tuesday, October 19, 1976 at 2400 hours:

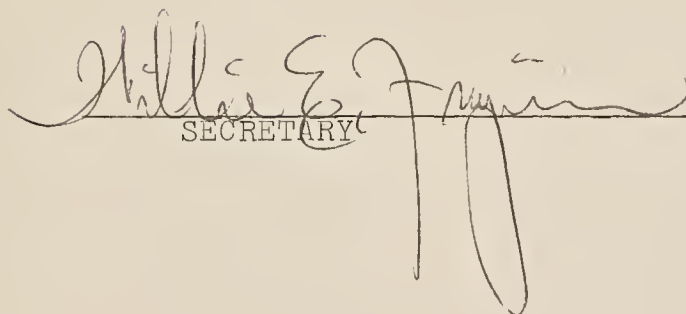
Daily average for the week sick	69
Daily average for the week disabled	<u>112</u>
TOTAL	181

Daily percentage for the week sick	3.47
Daily percentage for the week disabled	<u>6.73</u>
TOTAL	10.20

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

The Commission then adjourned its meeting.


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REGULAR MEETING

Minutes

The ~~Police~~ Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, November 17, 1976 at 1730 hours, in regular session:

PRESENT: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

Commissioner Siggins presiding.

The members of the Commission not having been furnished copies of the minutes of the the meeting of November 10, 1976, approval of same was continued until November 24, 1976 .

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, Members of the Commission, I will comment on two items tonight. One, we submitted to you, just today, a Staff Report in regard to a Blue Zone Policy which was compiled by Captain Seghy. I know you haven't had time to review it, so we are submitting it to you today for your review and at your pleasure, for discussion next week. Captain Seghy has done a commendable job in compiling this so when you review it we can discuss it next week.

Then the next matter is in regard to the Muni violence problem that has been in the paper. Last week after a football game, some number of persons committed purse snatches and other forms of unlawful acts. There has been continued discussions about that matter. At five o'clock yesterday there was a meeting convened by the Mayor, of Criminal Justice persons, where we discussed the problem and what could be done to address that problem. The Mayor, of course, is very concerned about this and is heading up the effort to insure to the extent that we can provide safety aboard the Muni for their riders. I decided today that we would immediately assign ten additional police officers to augment the Muni Force. We will continue this effort as may be needed and particularly until such time as we get an augmentation of our security personnel. There have been discussions today about a probability of overtime money perhaps being forthcoming to staff the Muni Transit Security Program with police officers. So this is all under the direction of the Mayor and we will be taking as reasonable steps as we can to prevent the vicious attacks which have taken place. If you have any questions in regard to the Muni Security Program as to

the incidents, Captain Taylor, Supervising Captain of Patrol is here to respond to any details that you may want to know."

Commissioner Ciani: "Captain, I would like to know if there has been any increase of incidents on the Muni over the past year or so?"

Captain Taylor: "Over the past year Commissioner, there has actually been a decrease because in the month of April there was no Muni service at all. For October, figures just received today, I sent the Chief the statistics for the entire year, for the month of October, there was an increase of three armed robberies, a decrease of 15 strongarm robberies, an increase of 3 assaults with a deadly weapon and a decrease of two simple assaults. Pickpockets were up by five cases, there was one additional pursesnatch from 5 to 6, one additional grand theft from the person from 6 to 7 and an indecent exposure case of one remained the same from October of '75 to October of '76. The statistics, year wide, has fluctuated. Last month there was a decrease of 28% of all crime occurring on the Muni. The month before there was a decrease of 14%, I believe the month before that there was an increase of 11%. As I say for the year it is down and it is down considerably particularly since the month of April when there was no Muni service at all, Commissioner."

Further discussion was held on this matter and it ended with Chief Gain suggesting that the Commission not take any action in the form of a resolution or motion on this matter because all of the deliberations are currently in process and there is not a firm plan by which to base a motion or a resolution by the Commission.

Commissioner Siggins then thanked the Chief for his report.

BIBLIOGRAPHY FOR PROMOTIVE EXAMINATION FOR LIEUTENANT OF POLICE - CONTINUED ONE WEEK.

Chief Gain stated: "The present Lieutenant's list will expire next year in February and there is a requirement that six months preceeding the next examination that a book list be established so that the persons who would take that examination would have knowledge of what study material to study for a six month period. So what we did was have a Committee of Captains convened and they recommended certain books. Then I had the Deputy Chiefs review those and that is how we arrived at the recommended list for approval by the Commission. The list touches

upon Investigative, Administrative and Human behavioral type areas so we feel that the books we are recommending are appropriate."

Officer Will Battle, President of the Officers for Justice Police Officers Association, requested to address the Commission on the issue and was allowed to do so. He stated that he had spoken with Captain Conroy who is in charge of Personnel and that he noted there were no books on the list dealing with minorities in law enforcement. He requested that his Association be given at least one week's time to recommend at least one more book to the list.

Commissioner Gallegos stated that he thought that certainly in San Francisco with the varied population, the Gay Community and the various ethnic racial groups that Officer Battle had a point. He then asked the Chief if any of this was taken into consideration.

Chief Gain stated: "The rationale for the 7 books was that the position of Lieutenant is an Administrative position. There are seven books to be studied in a 6 month period which considering the person's work and other activities, would be an arduous task to read and assimilate the knowledge therein. We are not casting aside the significance of minority group relations. But for this position we felt that this was an appropriate and adequate number of books. I personally had a lot to do with the selection of some of these books. I would stand and recommend to the Commission that they be adopted. In this process, I feel, although we have to take into consideration minority group relations, that should not be the determinate alone based upon this examination. If we are going to have our personnel at whatever rank become more sensitive to minority group relations, it would be best done in a discussion format in some other way than a book. That would be my feeling."

Commissioner Siggins then stated that Commissioner Hall asked if the Commission could get a little more information on the books for the Commission's edification and education and that Commissioner Ciani was asking if dates of the Publications could be included also.

Officer Battle was advised to submit a letter with his recommendation and the matter would be heard by the Commission at it's next meeting.

Commissioner Murphy stated that she would suggest that any other organization that desired to submit such a proposal would also be very welcome to do so.

The Commission then put this item over for one week.

TRANSFER OF TAXICAB PERMIT

The matter of the transfer of the right to operate a taxicab permit by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions of ordinance applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a taxicab to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Charles P. Elleard 3800 Bayshore Blvd. Brisbane, Calif.	Tung Doo Soo Hoo 1263 Green Street San Francisco, California	1

AYES: Commisisoners Ciani, Gallegos, Hall,
Murphy, Siggins

POLICE COMMISSION DISCUSSION RE: TEMPORARY SIGHT-SEEING BUSES.

Commissioner Siggins: "Well, it came to the attention of the Commission last week that Grayline had settled its strike with the Union and that the buses were going to be in operation and I've asked someone from Grayline to be here tonight."

He then called upon Mr. Dana McTonis, Vice President of Operations for Graylines, to tell the Commission of Graylines operations.

Mr. McTonis: "As of today or for today for instance, we used 21 coaches and the only reason why we used 21 coaches only was because we operated on a per capita basis. We would run as many as we need. Today, for instance, we had 21 and we had 16 buses remaining on the lot ready to go at any time. I have a fleet of 37 right now operable an additional 10 buses, five from prodocar audocar and five from Greyhound that are to be used at our convenience, so to summarize, in a way I could tell you that today we could have moved 47 buses if we needed to."

Commissioner Siggins: "For us to go forward now with the issuance of temporary permits we would have to find with the Ordinance that the Board of Supervisors passed that the existing permits which are Graylines, are not providing adequate service to the public. I don't think that we can find that here today, I think we have to move to suspend any further activity of the Temporary Sightseeing Permits. It obviously was an emergency measure at the time the strike was in effect or we wouldn't have been involved in it. Does the Commissioners have any thoughts on that?"

Commissioner Murphy: "Obviously we hope there are no further strikes but I would like to say that I don't think the effort was completely useless. Since, at least, we have a format that can be used in the future if necessary unless there are time limitations on those applications we have already received, they could be held in abeyance, couldn't they?"

Lieutenant Dempsey of the Permit Bureau: "Oh certainly. We will keep them. In the future if there is an increase in supply and demand we can work from our list."

Commissioner Murphy: "There is no statute of limitations then?"

Lieutenant Dempsey: "No."

Commissioner Siggins: "We have indicated in the past that there is an overlap in State and City jurisdiction in statutes in the Police Code in regards to Sightseeing busses that go back to 1922. We are going to put on our future Calendar matters for discussion regarding the whole issue. We have asked Mr. Holmes, a Law Student, to work on it and he has given us much information in that regard and we are going to look at it on a long-range basis. I am sure that the Grayline knows that because they are here and we can talk to them about it. Mr. Strachan?"

Mr. Jim Strachen, Drivers Union Representative, at this time requested to speak and stated: "I would like to say at this time 30 or 35 of our drivers are now applying for Unemployment Insurance, so the business isn't there to warrant the issuance of Temporary Permits. And 2, the provision of the contract during the summer time will allow the company to have greater flexibility with their equipment, including extra seats they couldn't use before and they will be radio dispatched. They will probably be able to handle all

of the business that comes their way because of the provisions of the contract and the vacancies. Right now there is 39 on unemployment."

Commissioner Ciani: "One of the questions that we will hold in abeyance is whether or not those permits are really being used. We are going to look into the status of the situation and if they are not being used then we would consider having them terminated simply because it doesn't make any sense for them to have permits that are not being used. so we have some clean up work to do and eventually we will probably be asking Grayline to appear here and explain exactly how they are using those permits."

Commissioner Murphy: "I would like to make a motion, in view of the fact that we are going to look into the status of these permits in the future, but for the present, I would like to move that we hold in abeyance the Temporary Permits issue."

Commissioner Ciani: "I think it is appropriate for us to make a finding for the record that there is no longer the emergency referred to in the authorizing legislation....."

Commissioner Murphy: "Because we have met the requirements of the Ordinance."

Commissioner Hall: "I second that motion."

Commissioner Siggins: "So the motion basically is to the effect that the Commission finds that the present existing permit holders for sight-seeing busses are providing adequate service for the public, is that correct?"

Commissioner Murphy: "And meeting the requirements of the Ordinance as passed by the Board of Supervisors."

Commissioner Ciani: "Second."

Commissioner Siggins: "Commissioner Murphy's motion seconded by Commissioner Ciani. All in favor? Unanimously approved."

RESOLUTION NO. 546-76

POLICE OFFICER JOHNNIE FLANNIGAN, MISSION POLICE STATION.

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Johnnie Flannigan, as follows:

SPECIFICATION NO. 1

Improper use of authority vested by nature of Office. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO.2

Unlawful sexual intercourse with a female. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO.3

Unlawful taking of money, firearm used. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police; therefore be it

RESOLVED, that the hearing before the Police Commission on charges filed against Police Officer Johnnie Flannigan, Mission Police Station, be, and the same is hereby set for Wednesday, December 1, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

HEARING OF POLICE OFFICER MARK E. HURLEY, BUREAU OF CRIMINAL INFORMATION.

The hearing of Police Officer Mark E. Hurley, Bureau of Criminal Information, was called,

it having been set for this date. Officer Hurley was charged with violating the Rules and Procedures of the San Francisco Police Department, as follows:

SPECIFICATION NO. 1

Consuming Alcoholic Beverages While on Duty and in Uniform. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police.

Police Officer Mark E. Hurley appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Sergeant David P. Roche, Attorney at Law, and assigned to the Police Department's Legal Office, appeared as the Prosecutor for the Police Department.

The reading of the Charges was waived.

Police Officer Mark E. Hurley entered, through his attorney a verbal plea of "not guilty" to Specification No. 1.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Mr. Herman E. Gallegos
Police Commissioner

Maria Caldera
509 Monterey Boulevard
San Francisco, California

Sergeant Bill Taylor
Internal Affairs Bureau

The following-named witness appeared for the Defense, was sworn and testified:

Inspector John Brunner
Photo Laboratory

The following exhibits were entered into Evidence by the Prosecution:

Exhibit No. 1 - Intra-Departmental Memorandum dated Tuesday, November 16, 1976 re results of Polygraph Examination submitted by Sergeant Bill Taylor, Internal Affairs Bureau.

Exhibit No. 2 - Intra-Departmental Memorandum dated Wednesday, November 17, 1976, re result of Polygraph Examination submitted by Sergeant Bill Taylor, Internal Affairs Bureau.

The following exhibits were entered into Evidence by the Defense:

Exhibit A - 30" x 40" diagram of interior of Mayflower Bar and Grill.

Exhibit B - Photograph of interior of Mayflower Bar and Grill.

Exhibit C - Photograph of interior of Mayflower Bar and Grill.

Exhibit D - 8-1/2" x 11" sketch drawn by Inspector John Brunner of interior of Mayflower Bar and Grill which was used to draw diagram described in Exhibit A.

Exhibit E - "Blow-up" of photograph described in Exhibit B.

The Commission then adjourned at 2320 hours, and the matter was continued to Wednesday, December 1, 1976 at 1730 hours, in Room 551, Hall of Justice.

Recesses taken during
the hearing of Police
Officer Mark E. Hurley:

1850 hours to 1905 hours
1955 hours to 2015 hours
2250 hours to 2300 hours

(The entire proceedings were
taken in shorthand form by
Hearing Reporter Linda Pransky,
C.S.R.)

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

HEARING OF POLICE OFFICER MICHAEL T. SUGRUE, BUREAU
OF CRIMINAL INFORMATION

The hearing of Police Officer Michael T. Sugrue, Bureau of Criminal Information, was called, it having been set for this date. Officer Sugrue was charged with violating the Rules and Procedures of the San Francisco Police Department, as follows:

SPECIFICATION NO. 1

Consuming Alcoholic Beverages While on Duty and in Uniform. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Charles R. Gain, Chief of Police.

Police Officer Michael T. Sugrue, appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Sergeant David P. Roche, Attorney at Law and assigned to the Police Department's Legal Office, appeared as the Prosecutor for the Police Department.

The reading of the Charges was waived.

Police Officer Michael T. Sugrue entered, through his attorney, a verbal plea of "not guilty" to Specification No. 1.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Mr. Herman E. Gallegos
Police Commissioner

Maria Caldera
509 Monterey Boulevard
San Francisco, California

Sergeant Bill Taylor
Internal Affairs Bureau

The following-named witness appeared for the Defense, was sworn and testified:

Inspector John Brunner
Photo Laboratory

Exhibit No. 1 - Intra- Departmental Memorandum dated Tuesday, November 16, 1976, re results of Polygraph Examination submitted by Sergeant Bill Taylor, Internal Affairs Bureau.

Exhibit No. 2.- Intra-Departmental Memorandum dated Wednesday, November 17, 1976, re results of Polygraph Examination submitted by Sergeant Bill Taylor, Internal Affairs Bureau.

The following-named exhibits were entered into Evidence by the Defense:

Exhibit A - 30" x 40" diagram of interior of Mayflower Bar and Grill.

Exhibit B - Photograph of interior of Mayflower Bar and Grill.

Exhibit C - Photograph of interior of Mayflower Bar and Grill.

Exhibit D - 8-1/2" x 11" sketch drawn by Inspector John Brunner of interior of Mayflower Bar and Grill which was used to draw diagram described in Exhibit A.

Exhibit E - "Blow-up" of photograph described in Exhibit B.

The Commission then adjourned at 2320 hours and the matter was continued to Wednesday, December 1, 1976 at 1730 hours, in Room 551, Hall of Justice.

Recesses taken during the hearing of Police Officer Michael T. Sugrue:

1850 hours to 1905 hours
1955 hours to 2015 hours
2250 hours to 2300 hours

(The entire proceedings were taken in shorthand form by Hearing Reporter Linda Pransky, C.S.R.)

AYES: Commissioners Ciani, Hall, Murphy, Siggins

NOT VOTING: Commissioner Gallegos

RESOLUTION NO. 538-76

RICHARD MIXON AND HIS ATTORNEYS
ALEXANDER POETTER AND TERENCE
HALLINAN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Richard Mixon in the sum of \$5,000.00 in Superior Court Action No. 637-952 entitled, "Richard Mixon, Plaintiff, vs. City and County of San Francisco, et., et al.; Defendant's" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 24, 1970

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 539-76

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF
CHARGES APPROVED.

WHEREAS, Police Officer George A. Moissant, Taraval Police Station, was suspended without pay effective at 1840 hours, February 16, 1976, pending hearing of the charges before the Police Commission; and

WHEREAS, Police Officer George A. Moissant, Jr., has requested a Leave of Absence Without Pay from August 15, 1976 to November 15, 1976, and from November 15, 1976 to February 15, 1977, pending his hearing before the Police Commission; therefore be it

RESOLVED, that Police Officer George A. Moissant, Jr., Taraval Police Station, be placed on a Leave of Absence Without Pay at his request from August 15, 1976 to November 15, 1976, and from November 15, 1976 to February 15, 1977, pending his hearing before the Police Commission.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 540-76

AUTHORIZING ATTENDANCE OF SERGEANT ALEXANDER STEVENS,
INTERNAL AFFAIRS BUREAU, AT A SPECIALIZED SURVEILLANCE

EQUIPMENT TRAINING COURSE AT SACRAMENTO, CALIFORNIA,
FROM DECEMBER 12, 1976 TO DECEMBER 17, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Alexander Stevens, Internal Affairs Bureau, be detailed to attend a Special Surveillance Equipment Training Course at Sacramento, California, from December 12, 1976 to December 17, 1976, inclusive; and be it further

RESOLVED, that expenses incurred by Sergeant Alexander Stevens, Internal Affairs Bureau, in a sum not to exceed \$171.20 in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 541-76

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL
OF TRAVEL EXPENSES INCURRED BY LIEUTENANT JAMES A.
RYAND AND ASSISTANT INSPECTOR MANUEL BARRETTA, IN-
VESTIGATIONS BUREAU, TO ATTEND A PROTECTIVE SERVICES
TECHNIQUE TRAINING COURSE AT SACRAMENTO, CALIFORNIA,
FROM OCTOBER 25, 1976 TO OCTOBER 29, 1976, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police, Lieutenant James A. Ryan and Assistant Inspector Manuel Barretta, Investigations Bureau, received permission from the Police Commission to attend a Protective Services Technique Training Course at Sacramento, California; and

WHEREAS, Lieutenant James A. Ryan and Assistant Inspector Manuel Barretta, did travel to Sacramento, California to attend said course from October 25, 1976 to October 29, 1976, inclusive; therefore be it

RESOLVED, that expenses in the amount of \$198.58 incurred by Lieutenant James A. Ryan and Assistant Inspector Manuel Barretta while attending this course are hereby approved. Expenses will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 542-76

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program; said expenses having been approved by the Chief of Police, be, and the same are hereby approved:

Captain Kevin J. Mullen)	(Planning & Research
Planning & Research)	(Institute at Calif-
	\$323.00 (ornia State Polytech-
	each (nic University, Cal-
Sergeant Victor Wode)	(ifornia, from October
Planning & Research)	(31, 1976 to November
	(5, 1976, inclusive.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 543-76

REQUEST TO CANCEL RESOLUTION NO. 336-76 AND REQUEST TO INCREASE EXPENSES FOR ATTENDANCE OF LIEUTENANTS RICHARD L. MILLER, BUREAU OF CRIMINAL INFORMATION, VERNON MCDOWELL, INVESTIGATION BUREAU, AND JACK CIPPARONE, NORTHERN POLICE STATION, AT A MIDDLE MANAGEMENT TRAINING COURSE AT HUMBOLDT STATE UNIVERSITY, KELSEYVILLE, CALIFORNIA, FROM NOVEMBER 28, 1976 TO DECEMBER 10, 1976, INCLUSIVE.

WHEREAS, on July 29, 1976 the Police Commission adopted Resolution No. 336-76, for attendance of Lieutenants Richard L. Miller, Bureau of Criminal Information, Vernon McDowell, Investigations Bureau, and Jack Cipparone, Northern Police Station, at a Middle Management Training Course at Humboldt State University, Kelseyville, California, from November 28, 1976 to December 10, 1976, inclusive, in the amount of \$709.50 each; and

WHEREAS, an increase from \$709.50 each to \$800.50 each is requested by reason of increased costs for meals and lodging and a commensurate increase in per diem allowance by P.O.S.T.; therefore be it

RESOLVED, that the Controller be and he is hereby requested to cancel Resolution No. 336-76, dated July 28, 1976, in the amount of \$709.50 and issue a warrant in a sum not to exceed \$800.50 each for attendance at this training course. Expenses will be defrayed by the Police Department's Police Officers'

Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

WEEKLY SICK REPORT

Chief of Police Charles R. Gain, submitted a report of members of the Department off duty due to sickness and disability for the week ending November 9, 1976 at 2400 hours as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	78	72
Daily average for the week disabled	<u>120</u>	<u>124</u>
TOTALS	198	196

This is an increase of two (2) members off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	4.04	3.68
Daily percentage for the week disabled	<u>7.27</u>	<u>7.49</u>
TOTALS	11.31	11.16

Disabled at start of week	125
Started during the week	15
Returned during the week	15
Disabled at end of week	125
Net Gain or Loss	0

Sick and Disabled for week ending Saturday, November 15, 1975 at 2400 hours:

Daily average for the week sick	59
Daily average for the week disabled	<u>94</u>
TOTAL	153
Daily percentage for the week sick	3.22
Daily percentage for the week disabled	<u>4.85</u>
TOTAL	8.07

Sick and Disabled for week ending October 19, 1976
at 400 hours:

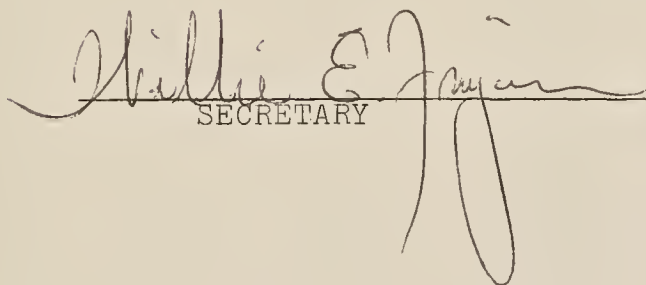
Daily average for the week sick	69
Daily average for the week disabled	<u>112</u>
TOTAL	181

Daily percentage for the week sick	3.47
Daily percentage for the week disabled	<u>6.73</u>
TOTAL	10.20

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

The Commission then adjourned its meeting.



SECRETARY

76
24 NOVEMBER 1976

- 745 -
REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, November 24, 1976 at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Gallegos, Hall, **DOCUMENTS**
Murphy, Siggins

FEB 15 1977

Commissioner Siggins presiding.

SAN FRANCISCO
PUBLIC LIBRARY

The members of the Commission, having been furnished copies of the minutes of the meetings of November 10, 1976 and November 17, 1976, the minutes of the November 10, 1976 meeting were not approved but the minutes of the November 17, 1976 meeting were approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, I have a couple of items I would like to comment on tonight. One, I recommended to the Mayor today that he offer a reward in regard to the tragic deaths of Mr. Golden and Mr. Smith, a reward of \$5,000 each for a total of \$10,000 for information leading to the apprehension and conviction of the perpetrator or perpetrators of those vicious crimes. The Mayor acted favorably and today at 1:30 p.m., did announce those two rewards. Then in conferring with the Mayor in regards to the needs for additional personnel, he announced today that effective Friday, there will be fifty (50) patrol persons and ten (10) Sergeants on a daily paid overtime basis placed on the streets commencing Friday and it will last until March 15th, a period of three months. Our plan is that we will take 50 patrol persons and 10 sergeants and place them in the Crime Specific Task Force each day, then persons who will work on an overtime basis will be within the District Stations, the purpose being to get 50 patrol persons and 10 sergeants who are part of a stable unit. They will work during those hours of the day in geographical locations within the city so as to impact as much as possible upon serious crime. This will augment then our regular patrol force and the Crime Specific Task Force. The total cost for this overtime will be approximately \$400,000."

Commissioner Ciani: "I understand that there were private contributions solicited for these reward funds, is that how the funds are raised?"

Chief Gain: "The City Charter provides the Mayor with the authority to offer or post a reward up to the maximum of \$5,000 for the apprehension and arrest of perpetrators. That is where these funds are coming from. \$5,000 for each of those crimes for a total of \$10,000. Efforts are underway by private citizens to raise reward money, that would be an addition. My reason for recommending that the Mayor post a reward is because we have determined for a fact the same gun that was used to kill both of these individuals, and we do have sufficient investigative leads beyond the bullet itself, beyond the description of the vehicle, and beyond the meager description of the perpetrators. We are hopeful therefore, that by offering reward money an informant will be forthcoming with information to provide investigative leads leading to the identity and consequential apprehension and conviction of these individuals."

Commissioner Ciani: "You brought to mind another question about these incidents and the fact that the newspapers reported that the ballistics test established that the same gun was used in two crimes. I know that that is not desirable because if the person(s) who have that weapon read the papers, they will throw it away and destroy the evidence as quickly as possible."

Chief Gain: "That is a product of time. That information was known to some news media persons almost immediately but they withheld the information. It can be of value that the public and perpetrators not know that we have identified the bullet as being the same one, but we had anticipated that we could only withhold that information for one day and it would become known so two days have gone by and the value is diminished in withholding that type of information. That was our conclusion. We felt that within 24 hours it would probably get out."

Commissioner Ciani: "Is there any way you can keep it from getting out and maintain its value as.....?"

Chief Gain: "No, that is literally impossible within the police building. Everyone knew it. Police persons knew it, they were talking about it and news people are very professional and very skilled at picking up information so it was picked up right away. They honored it by keeping it out of the newspapers for a day or so."

Commissioner Ciani: "Now that you've explained it, I can see that the competing advantage to maintaining secrecy is the possibility that publication of such information after a reasonable waiting period can generate additional leads and evidence. Thank you."

Chief Main: "Now I would also like to comment about three of what we call random shootings at Powell and O'Farrell unrelated to the Golden and Smith incidents, basically in the 400 block of O'Farrell. About three days in a row at about the same time and I have Deputy Chief McInerney here who has been heading up the investigation and is most knowledgeable about it, to respond to any questions the Commission may have about that. This makes about 40 random shootings that we have had this year. This is the first time that we have had three in about the same location and about at the same time. If you have any questions, Captain McInerney will respond to those."

Commissioner Murphy: "Are these the same kinds of random shootings that would include the officer who was shot on Twin Peaks a short time ago?"

Deputy Chief McInerney: "Well, the officer's shooting was a culmination of a series of random shootings and highlighted the police problem represented. In this case it is shots fired at and hitting non-police people. The first was Monday morning and the location was at O'Farrell and Taylor, incorrectly published as Powell. It was about 9:30 in the morning and a male individual heard the report of a gun and a bullet crashed into a building along side of his head. He failed to report that and even though several people in the area heard it and ducked, no one called the police. Yesterday morning a visitor from New York was shot in the calf of his leg as he alighted from a vehicle in the 400 block of O'Farrell Street. There was a report to the police after he had responded to a hospital and we did not get the call until quite a while later. This morning at the same time 9:30 or a quarter to ten, a 33 year old white woman taking packages from the trunk of a vehicle in the 400 block of O'Farrell Street was struck in the arm and seriously wounded. We recovered the slug from that shooting, it is a .22 caliber. The shooting in the second case, the slug is still in the man's leg and appears to be a small caliber. We are presuming it is the same suspect. Responding to the call today was a very large number of police officers and a very extensive search was made of all buildings in the area, pounding on doors, questioning people, all proved fruitless. Tonight, commencing at just about this time, a large squad of police inspectors are going out to interview everybody in the neighborhood as to their knowledge of people who live there acting strangely, possessing weapons, or whatever it may be, and then in subsequent mornings, we will have officers out in that area to observe and question people in the street as to what they may have seen. This is the first of what may be called random shootings, first series of them that we can pinpoint to a specific time and location. All of the others were pretty well spaced around the city, and throughout the hours of the day. But this one is close, the same weapon apparently and we presume the same person. We are working on that theory."

Commissioner Ciani then asked the Chief about the response time to calls for service, if it was getting any better?

The Chief stated that the response time to serious

in-progress calls is good. He stated that the trouble with response time is in the non-serious call category, resulting usually from peak load times when citizens are calling in in such numbers that the Department simply did not have the manpower to respond.

Commissioner Ciani stated that this had been discussed before and that she made the suggestion that an explanation be given to those persons in the non-serious call category. She then asked if that was now being done?

The Chief stated that there is a procedure that is generally being followed but there are some exceptions to it and discussions were held on that subject this week. He stated that the person in Communications who answers the call explains to the caller if it is non-serious, that it may be a half hour or an hour or even two hours before a police officer responds.

Commissioner Murphy stated that she was informed by friends that they observed two kids fooling around a truck in the Sunset District and notified a police officer in a radio car a short distance away. She stated that the Officer stated to her friend that he would wait until he received the assignment from Communications before responding. The Chief advised the Commissioner that the Officer should have responded immediately. He then stated that that concluded his report.

POLICE COMMISSION DISCUSSION REGARDING CRITERIA
TO BE USED IN ESTABLISHING BLUE ZONES.

Captain Robert Seghy, Supervising Captain of Traffic, having submitted at the previous Police Commission Meeting, a report recommending criteria to be considered in establishing Blue Parking Zones was commended by the Commission on the excellence of the report.

Captain Seghy then stated that if the Commission had questions on the recommendations concerning the report he would answer them. He then stated that as he mentions on the first page of his report all of his findings have been with the agencies that have been involved, desired no specifics and requested that the Police Commission consider each application on its face. He further stated that having studied many of the other cities and being fairly familiar with what happens when you do put specifics into the law, he was of the opinion that individual consideration was far better. He then stated; 'If I may suggest if that is the case, on

the second page item A of the Blue Zone Policy, when it suggests Warrants Necessary for Blue Zone Installation, this would be straffing items 1 through 5 probably and leaving the Application Policy, 1, 2, 3, 4, and if the Commission so sees fit, item 6 as being simply the basic policy."

Commissioner Gallegos raised the question of time limit and Captain Seghy stated that the time limit study according to the San Francisco Department's Legal Office indicated that we are pre-empted by the Vehicle Code from entering a time limit on the zone. The disabled persons at this time have an allowance to park beyond time limits and that would also be relevant to this case.

Commissioner Murphy stated that she thought also that the Department should get some experience with it before starting to make it more restrictive. She stated it should be left alone at this point.

Commissioner Ciani stated that this was the one issue that seemed to divide the various agencies that were polled. She asked what kind of time limitations did the dissenting agencies in this matter recommend or suggest?

Captain Seghy stated that they did not suggest any specifics whatsoever, just that the Department consider putting a time limitation on the zones. He further stated that he would agree that it should be studied and everybody could have input into it based on what is found from experience.

Commissioner Ciani suggested that rather than a single time limit for all zones, the nature of each zone or type of location should be taken into account in fixing, if desirable, a time limit for that zone or category of zone.

Further discussion was held on this matter after which Commissioner Murphy moved to adopt the Blue Zone Policy as amended by the Commission.

The Policy was then unanimously approved for adoption.

SERGEANT LOUIS E. CALABRO, INGLESIDE POLICE STATION, TO SPEAK IN REGARD TO THE VALIDITY OF THE DEPARTMENT'S INFORMATION BULLETIN NO. 103-76, DATED NOVEMBER 1, 1976.

Sergeant Louis Calabro, Ingleside Police Station, appeared before the Commission and stated that he

did not come to make any disparaging remarks about any particular race in the community. He stated that his motive for coming before the Police Commission was to call attention to what he considered a broad social problem that exist in the community. He further stated that he thought it was time to recognize that such a problem exist and have it formally acknowledged by the leadership of this Community. The purpose then, of course, is we would begin to work towards its elimination. He went on to state that it appeared to him that many white citizens are victims of crimes committed by black citizens. He further stated that he hoped and prayed that this broad social problem does not act as a wedge between the goodwill of black and white people in this City. He then took issue with the Department's bulletin on Random Shootings stating that the Chief refused to allow him to see the statistics he used to put out that bulletin. He then presented a large graphic chart giving statistics of the number of crimes committed by blacks against whites as opposed to whites against whites and crimes committed by blacks against blacks.

Commissioner Siggins asked him where did he get those figures as the Sergeant stated he received them from the Department's Cable Computer.

Commissioner Ciani: "I also have faith in the Sociologists who, if they think this is worthy of study, know that they can have access to this information. I think it is not within our purview to request Sociologist to make studies that they are capable of identifying and making themselves. That is what my vote would be. This is interesting, but I don't accept it as it is quite simplistic. I think that the economic factors are going to be far more revealing of the social problem than arbitrary classification on the basis of race."

Chief Gain stated that he had discussed the matter with Sergeant Calabro and Sergeant Gerald Crowley in his office for approximately 15 minutes and that he had refused to allow him to look at the background information that resulted in the bulletin because what he was trying to compile was illogical. He further stated that he would recommend to the Commission that the subject be terminated tonight as far as the Commission is concerned.

Commissioner Ciani stated that it should be pointed out that the Commission did grant his request to make this presentation and tried to understand it and analyze it. Sergeant Calabro then stated that he apologized for making such a shallow presentation that he could only expect the Commission to do the best it could with what he presented.

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POLICE COMMISSION DISCUSSION REGARDING A LETTER RECEIVED FROM NEDRA RUIZ, POLICE INCIDENTS GROUP, REGARDING THE PRESENCE OF MEMBERS OF THE CRIME SPECIFIC TASK FORCE, AT A DEMONSTRATION AT THE PHILIPPINE CONSULATE AT 447 SUTTER STREET, SAN FRANCISCO.

Commissioner Siggins stated as a point of clarification with the Chief that this matter was currently under investigation with the Internal Affairs Bureau and that the Commission wouldn't be able to resolve anything on this issue tonight.

Ms. Nedra Ruiz stated that she would like a public discussion on the issue after the completion of the investigation.

Chief Gain stated that he would notify all parties concerned upon the completion of the investigation and Commissioner Siggins stated that the commission would consider Ms. Ruiz's request after perusal of the completed investigation.

BIBLIOGRAPHY FOR PROMOTIVE EXAMINATION FOR LIEUTENANT OF POLICE, CONTINUED FROM MEETING OF NOVEMBER 17, 1976.

The Officers For Justice recommended five new books and the Police Incidents Group recommended five new books for inclusion in the Lieutenant of Police Bibliography.

There was much discussion between the Commission, the Chief, Captain J. William Conroy, Officer Wilbert Battle and Mr. Hank Wilson, a member of the Gay Community, who stated that he would like the matter put over for one (1) week until at such time a recommendation would be forthcoming from his group as to how a Lieutenant of Police should act and deal with the Gay Community. Mr. Wilson stated that last year he led a demonstration in front of City Hall because a Police Lieutenant stated that Gay People are emotionally unstable and he did not want to see that happen again.

He was advised by the Commission and the Chief that time for the promulgation of the Bibliography was of the essence and that he should get in touch with Captain Conroy who is in charge of Personnel and Training and offer input to future training programs as to how police department personnel should deal with members of the Gay Community.

Chief Gain then recommended inclusion to the list, one of the books recommended by the Officers For Justice and Chapter 12 of another.

Inspector James Cole of the Internal Affairs Bureau protested the inclusion of these books based on the fact that no one had read them and, no one knew if they contain material appropriate for testing for the position of Lieutenant of Police.

Commissioner Gallegos stated that he was asking for its adoption subject to that qualification. The Commission then passed the following resolution:

RESOLUTION NO. 547-76

BIBLIOGRAPHY FOR PROMOTIVE EXAMINATION FOR Q60
LIEUTENANT OF POLICE.

WHEREAS, under the provisions of Section 8.327 of the Charter, the Bibliography for Promotive Examination for Q60 Lieutenant of Police, must be adopted by resolution of the Police Commission and submitted to the Civil Service Commission requesting examination for said position; and

WHEREAS, a bibliography for the position of Q60 Lieutenant of Police has been submitted to the Police Commission, as follows:

1. POLICE ADMINISTRATION
Wilson & McLaren
Third Edition
McGraw-Hill Publisher
2. HUMAN BEHAVIOR AT WORK
Davis - Fourth Edition
McGraw-Hill Publisher
3. FUNDAMENTALS OF CRIMINAL INVESTIGATION
Charles O;Hara
Fourth Edition
Thomas Publishing Company
Less Part 7 (Chapters 37-43, incl.)
Include Appendix 1
Include Appendix 2
4. POLICE
National Advisory Commission on
Criminal Justice and Goals
Publisher: Government Printing Office
5. UNIFORM CRIME REPORTING HANDBOOK (FBI)
Revised January, 1976
Available: Personnel & Training Division

6. VARIETIES OF POLICE BEHAVIOR
James Q. Wilson
Second Printing - 1969
Harvard University Press
Cambridge, Massachusetts
7. PRINCIPLES OF MANAGEMENT
A PROGRAM OF SELF-INSTRUCTION
Third Edition
Leonard J. Kazmier
McGraw-Hill Book Company
1974
- **8. AMERICAN MINORITIES: THE JUSTICE ISSUE
Elton Long, J.D., James Long, J. D.,
Wilmer Leon and Paul B. Weston
Prentice-Hall Inc.
Englewood Cliffs, New Jersey
1975
- **9. ADMINISTRATION OF JUSTICE: AN INTRODUCTION
J. Norman Swanton, Loren Morgen
D. Van Nostrand Co. (CHAPTER 12 ONLY)
New York, N.Y. 1975

and

WHEREAS, the Police Commission does hereby approve the above-listed Bibliography for the position of Q60 Lieutenant of Police contingent upon the approval and adoption by the Civil Service Commission; therefore be it

RESOLVED, that the above-listed Bibliography for the position of Q60 Lietuenant of Police is hereby submitted to the Civil Service Commission for their approval and adoption.

** These books were adopted by the Commission and may be withdrawn following review and recommendation by the Chief of Police.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy

NAYS: Commissioner Siggins

NOTIFICATION OF PUBLIC HEARING TO BE HELD ON DECEMBER 1, 1976, RELATIVE TO ADOPTING AN AMENDMENT TO THE RULES AND PROCEDURES OF THE SAN FRANCISCO POLICE DEPARTMENT AMENDING RULE 2.36 (WEIGHT AND PHYSICAL FITNESS STANDARDS.)

This item will be considered at next week's meeting in a public hearing on same.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2590 QUINTARA - ROBERT STEVENS ELEMENTARY SCHOOL

- a) At 2590 Quintara Street, install a 66' white zone, to extend from 31' - 97' east of west property line.

662 GREEN STREET - RESTORANTE I ITALIANO

- a) At 662 Green Street, install a 40' white zone, to extend from 89' - 129' west of Columbus, (and remove existing 40' yellow zone.)

2078 - 35th AVENUE - ROBERT STEVENSON SCHOOL

- a) At 2078 - 35th Avenue, revoke 100' from existing white zone - from 245' - 345' north of Quintara.

1204 HOWARD STREET - H.D. ELECTRONICS

- a) At 1204 Howard Street, install a 26' yellow zone, to extend from 34' - 60' west of 8th Street.

1802 BUSH STREET - JUDITH ETS-HOKIN RETAIL COOKWARE & COOKING SCHOOL

- a) At 1802 Bush Street, install a 22' green zone, to extend from 6' - 28' east of west property line.

1800 BUSH STREET - ROBERT'S RESTAURANT

- a) At 1800 Bush Street, install a 22' yellow zone, to extend from 2' - 24' west of east property line.

1701 OCTAVIA STREET - ROBERT'S RESTAURANT

- a) At 1701 Octoavia Street, install a 22' white zone, to extend from 9' - 31' north of south property line.

13 CORBETT - C & H CLEANERS

- a) At 131 Corbett, install a 22' green zone, to extend west of east property line.

755 FONT BOULEVARD - MONTESSORI CHILDREN'S CENTER

- a) At 755 Font Boulevard, install a 30' white zone, from first diagonal parking space west of 755 Font - (30' west.)

158 ELEVENTH STREET - SHERIDAN FUND ADMINISTRATION

- a) At 158 Eleventh Street, install a 44' green zone, to extend from 15' - 59' north of south property line.

665 HARRISON STREET - COLLEGE FOR RECORDING ARTS

- a) At 665 Harrison Street, install a 22' Blue Zone, to extend from 9' - 31' west of east property line.

1625-29 PINE STREET - BUTTERFIELD AND BUTTERFIELD

- a) At 1625-1629 Pine Street, install a 42' yellow zone, to extend from 50' - 92' east of west property line.

NOTE: Commissioner Ciani requested permission to abstain from voting on application #12, Butterfield & Butterfield, and it was approved by the remaining Commissioners.

2331 SUTTER STREET - MOUNT ZION HOSPITAL & MEDICAL CENTER

- a) At 2331 Suttter Street, install a 44' Blue Zone, to extend from 17' - 61' east of Mt. Zion Emergency Entrance.

1611 SCOTT STREET - MOUNT ZION HOSPITAL & MEDICAL CENTER

- a) At 1611 Scott Street, install a 26' Blue Zone, to extend from 2' - 28' north of Mt. Zion Delivery Entrance.

1601 BUSH STREET - MARK MORRIS TIRE CO.

- a) At 1601 Bush Street, install a 24'

yellow zone, to extend from 39' -
63' west of east property line.

2431 - 22nd STREET - SAN FRANCISCO GENERAL HOSPITAL

- a) At 2431 - 22nd Street, revoke existing
57' white zone.

930 ALABAMA STREET - REYNA ELECTRIC WORKS

- a) At 930 Alabama Street, install a 20'
green zone, to extend south of north
property line.

934 VALENCIA STREET - CROCKER-JOHNSON TV

- a) At 934 Valencia Street, install a
22' yellow zone, to extend from 40' -
62' north of the south property line.

430 BROADWAY - I.F.D. PRODUCTIONS-CONTINUED FROM
OCTOBER 27, 1976

- a) At 430 Broadway, install a 26' white zone,
to extend east of west property line.

475 VAN NESS AVENUE - VETERANS MEMORIAL BUILDING

- a) AT 475 Van Ness Avenue, install a 22'
Blue zone, to extend from 146' - 168'
south of north line of building.

250 GROVE STREET - SAN FRANCISCO OPERA HOUSE

- a) At 250 Grove Street, install a 22' Blue
Zone, to extend from 58' - 80' west of
Van Ness Avenue.

1299 BUSH STREET - CALIFORNIA LEAGUE FOR THE HANDI-
CAPPED, INC.

- a) At 1229 Bush Street, install a 36'
Blue Zone to extend from 6' - 42'
east of Larkin Street.

#1 FAIR AVENUE - SOCIAL SERVICES - WELFARE

- a) At #1 Fair Avenue, install a 22' Blue
zone, to extend east of west property
line.

303 GOLDEN GATE AVENUE - SOCIAL SECURITY OFFICE

- a) At 303 Golden Gate Avenue, install a 22' Blue Zone to extend from 30' - 52' west of east property line.

101 GROVE STREET - CONVENTION HALL & CITY OFFICES

- a) At 101 Grove Street, install a 44' Blue Zone, to extend from 14' - 58' west of property line.

455 GOLDEN GATE AVENUE - STATE BUILDING

- a) At 455 Golden Gate Avenue, install a 22' Blue Zone, to extend east of existing white zone.

551 TURK STREET - FEDERAL BUILDING

- a) At 551 Turk Street, install a 22' Blue Zone, to extend from 144' - 166' west of Larkin Street.

MIDDLE DRIVE - GOLDEN GATE PARK -(REAR OF ACADEMY OF SCIENCES)

- a) At rear of Academy of Sciences, Golden Gate Park- Middle Drive, install a 22' Blue zone, to extend from 100' - 122' south of the north property line.

1118 HOWARD STREET - UTILITY WORKSHOP

- a) At 1118 Howard Street, install a 21' Blue Zone, to extend from 17' - 38' east of the west line of building.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 267 feet of yellow and white zones at the locations in the city submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

RESOLUTION NO. 545-76

RUBIDIA DI STEFANO

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of Rubid. a Di Stefano against the City and County of San Francisco in the sum of \$5.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 28, 1976

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

RESOLUTION NO. 548-76

ELIZABETH MASTEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Masten against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1976

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

RESOLUTION NO. 549-76

SAMUEL W. STUART

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Samuel W. Stuart against the City and County of San Francisco in the sum of \$25.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 29, 1976

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

RESOLUTION NO. 550-76

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY SUPERVISING CAPTAIN OF PATROL DONALD L. TAYLOR, AND ELEVEN (11) SAN FRANCISCO POLICE DEPARTMENT ADMINISTRATORS AT A LEGISLATIVE SEMINAR AT SKYLINE COLLEGE, SAN BRUNO, CALIFORNIA, ON NOVEMBER 5, 1976.

WHEREAS, on the recommendation of the

Chief of Police, Donald L. Taylor, and eleven (11) San Francisco Police Department Administrators received permission from the Police Commission to attend a Legislative Seminar at Skyline College, San Bruno, California; and

WHEREAS, Captain of Patrol, Donald L. Taylor, and eleven (11) San Francisco Police Department Administrators, did travel to San Bruno, California, to attend said seminar on November 5, 1976; therefore be it

, RESOLVED, that expenses in the amount of \$165.00 incurred by Supervising Captain of Patrol Donald L. Taylor and eleven (11) San Francisco Police Department Administrators while attending this seminar are hereby approved. Expenses will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

RESOLUTION NO. 551-76

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY CAPTAIN RENE C. AUFORT, CAPTAIN J. WILLIAM CONROY, CAPTAIN CHARLES A. SCHULER, AND CAPTAIN JOHN A. MAHONEY, TO ATTEND AN EXECUTIVE DEVELOPMENT TRAINING COURSE AT GOLDEN GATE UNIVERSITY, BURLINGAME, CALIFORNIA, FROM OCTOBER 24, 1976 TO NOVEMBER 6, 1976, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police Captain Rene C. Aufort, Captain J. William Conroy, Captain Charles A. Schuler, and Captain John A. Mahoney, received permission from the Police Commission to attend an Executive Development Training Course at Golden Gate University Burlingame, California, from October 24, 1976 to November 6, 1976, inclusive; and

WHEREAS the above-named Captains of Police did travel to Burlingame, California to attend said course from October 24, 1976 to November 6, 1976, inclusive; therefore be it

RESOLVED, that expenses in the amount of \$393.80 each incurred by Captain Aufort, Captain Conroy, Captain Schuler and Captain Mahoney, while attending this course are hereby defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

RESOLUTION NO. 552-76

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY LIEUTENANT RICHARD D. KLAPP, PERSONNEL & TRAINING, TO ATTEND A TRAINING MANAGEMENT REFRESHER SEMINAR AT GOLDEN GATE UNIVERSITY, SACRAMENTO, CALIFORNIA, ON NOVEMBER 17, 1976 AND NOVEMBER 18, 1976.

WHEREAS, on the recommendation of the Chief of Police Lieutenant Richard D. Klapp, Personnel and Training, received permission from the Police Commission to attend a Training Management Refresher Seminar at Golden Gate University at Sacramento, California; and

WHEREAS, Lieutenant Richard D. Klapp did travel to Sacramento, California to attend said seminar on November 17, 1976 and November 18, 1976, inclusive; therefore be it

RESOLVED, that expenses in the amount of \$59.00 incurred by Lieutenant Richard D. Klapp while attending this seminar are hereby approved. Expenses will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 553-76

AUTHORIZING ATTENDANCE OF DEPUTY CHIEF OF OPERATIONS, CLEMENT D. DEAMICIS, AT A POLICE FOUNDATION SEMINAR AT FREDERICKSBURG, VIRGINIA, FROM DECEMBER 8, 1976 TO DECEMBER 10, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief of Operations, Clement D. DeAmicis, be detailed to attend a Police Foundation Seminar at Fredericksburg, Virginia, from December 8, 1976 to December 10, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Deputy Chief of Operations, Clement D. DeAmicis, in attending this seminar will be defrayed by the Police Foundation.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RECOMMENDATION OF THE CHIEF OF POLICE THAT TWENTY SERGEANTS OF POLICE AND THREE ALTERNATES BE GRANTED PERMISSION TO ATTEND AN 80-HOUR SUPERVISORY OFFICERS TRAINING COURSE UNDER THE GUIDANCE OF MIMI SILBERT, PH.D., AT THE POLICE ACADEMY.

Dr. Mimi Silbert appeared before the Commission and stated that this type training is something that POST is trying to implement all across the state, and that is teaching by what they call performance objectives. She continued by saying "They set up objectives, there are 28 for this particular course, which say what they want a student to learn. So. rather than my saying I want to teach management principles, we have to take specific behaviors and say the student will be able to listen, discuss these, the following five points of effective management." She then gave a brief synopsis of the training on a week by week basis and locations where the training will take place. The Commission then approved the following resolution:

RESOLUTION NO. 554-76

AUTHORIZING ATTENDANCE OF TWENTY (20) SERGEANTS OF POLICE AND THREE (3) ALTERNATES AT AN 80-HOUR SUPERVISORY OFFICERS TRAINING COURSE UNDER THE GUIDANCE OF MIMI SILBERT, PH.D., AT THE POLICE ACADEMY.

RESOLVED, that the recommendation of the Chief of Police that twenty (20) Sergeants of Police and three (3) alternates be detailed to attend an 80-hour Supervisory Officers Training Course under the guidance of Mimi Silbert, Ph.D., at the Police Academy, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred in the amount of \$5,662.50 in conducting this course on supervisory training will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

PERMISSION TO FILE CIVIL SUIT - APPROVED

The request of Police Officer Duane Otis, Communications Bureau, for permission to file a civil suit against the City and County of San Francisco, the Civil Service Commission and the Retirement Board, for retirement credit and promotional examination purposes for time spent in the position of probation officer, be, and the same is hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 555-76

REQUEST TO TRANSFER ALLOTTED FUNDS

RESOLVED, that the Controller be, and he is hereby requested to transfer \$50,000 from allotted funds in Appropriation No. 5.161.111.000.000 (Extra Duty - Uniformed Force) and \$13,500 from reserve funds in Appropriation No. 5.161.112.000.000 (Holiday Pay) and \$2,832,204.07 from reserve funds to allotted funds in Appropriation No. 5.161.110.000.000 (Permanent Salaries - Uniformed Force) to pay salary increase of Uniformed Force (13.05%) retroactive October 15, 1975 to June 30, 1976 as per Controller's instructions.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 556-76

AUTHORIZING ATTENDANCE OF SERGEANTS RENZO PANELLI,
DAVID KELLOGG, INSPECTORS THOMAS DICKSON AND THOMAS
TYRRELL AT AN ORGANIZED CRIME CONFERENCE AT LOS
ANGELES, CALIFORNIA ON DECEMBER 1, 1976.

RESOLVED, that the recommendation of the Chief of Police that Sergeants Renzo Panelli, David Kellogg, Inspectors Thomas Dickson and Thomas Tyrrell be detailed to attend an Organized Crime Conference at Los Angeles, California, on December 1, 1976, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeants Renzo Panelli, David Kellogg, Inspectors Thomas Dickson and Thomas Tyrrell, in a sum not to exceed \$120.00 each in attending this conference will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

WEEKLY SICK REPORT

Chief of Police Charles R. Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending November 16, 1976 at 2400 hours as follows:

PREVIOUS WEEK

Daily average for the week sick	69	78
Daily average for the week disabled	<u>124</u>	<u>120</u>
TOTALS	193	198

This is an increase of five (5) members off duty daily from the previous week.

PREVIOUS WEEK

Daily percentage for the week sick	3.31	4.04
Daily percentage for the week disabled	<u>7.48</u>	<u>7.27</u>
TOTALS	10.79	11.31

Disabled at start of week	121
Started during week	18
Returned during the week	14
Disabled at end of week	125
Net Gain or Loss	+4

Sick and Disabled for week ending Saturday, November 15, 1975 at 2400 hours, as follows:

Daily average for the week sick	59
Daily average for the week disabled	<u>94</u>
TOTAL	153
Daily percentage for the week sick	3.06
Daily percentage for the week disabled	<u>5.05</u>
TOTAL	8.11


Sick and Disabled for the week ending October 26, 1976 at 2400 hours as follows:

Daily average for the week sick	71
Daily average for the week disabled	<u>117</u>
TOTAL	188
Daily percentage for the week sick	3.64
Daily percentage for the week disabled	<u>7.02</u>
TOTAL	10.66

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

The Commission then adjourned its meeting.


SECRETARY

DOCUMENTS

MAR 10 1977

1 DECEMBER 1976

REGULAR MEETING

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Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, December 1, 1976 at 1730 hours in regular session.

PRESENT: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of the meeting of November 10, 1976 and November 24, 1976, put over approval of same to a later date.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain stated that he would like to report to the Commission on two items. One was in regard to the Board of Supervisor's Resolution to provide the City with more police officers and then to comment upon the Mayor's Plan to provide additional police services for the City. He then had Captain Kevin Mullen, Commanding Officer from the Planning and Research Bureau, point out the differences between the two plans. Captain Mullen stated that the Mayor submitted a plan to the Board of Supervisors in which he recommended how he would like to expend \$7.5 million dollars of local public works employment tax money.

Captain Mullen then gave a breakdown of the varying amounts planned for each category of employees who would be hired to free police officers for street patrol duties. Overtime expenditures were also mentioned in this amount to pay 21 patrol officers and three sergeants who would augment the Muni Security Force. Other funds from the \$7.5 million would be used for the Citizens Safety Project, City Shops for the upgrading of police vehicles, to provide 50 patrolmen and 10 sergeants to be deployed in the Crime Specific Task Force.

Captain Mullen stated that all items mentioned are scheduled to be heard before the Finance Committee on December 8th. He continued by saying that he would now speak about additional funds different than those the Mayor spoke of which would come from Housing and Development monies and become available on February 1, 1977.

The Board of Supervisors stated that these funds could be utilized for police services and their resolution recommended that this Department seek utilization of these funds in the form of a Supplementary Budget request for 50 Q2 Police Officers. He stated that the Board further recommended that the Department hire 150 Q2's for City-wide Crime Prevention through CETA Funds. City funds would supplement the salaries of these officers, i.e., \$10,000 from CETA, \$6,000 from the City for each Q2. They recommended also that this Department hire 200 Building and Grounds Patrolmen from total CETA Funds to be used as Muni Transit Guards and other needed positions funded entirely through CETA.

Chief Gain then stated that he and Staff met with the Mayor on these matters yesterday and the obligation is to prepare a plan which he and Staff are doing with hopes of completing it and submitting it to the Commission on Monday and subsequently to the Mayor's Office in the form of a Supplemental Budget Request. He then requested the Commission to designate Monday or Tuesday for the holding of a Special meeting.

Commissioner Siggins stated that the Commission would acknowledge this request and hold the Special meeting on Monday, December 6, 1976 at 5:00 p.m.

Commission Gallegos then asked for a recap on the expenditure of funds and was told that the CETA contribution would be \$2 million and three dollars for 12 months and the City's contribution would be \$1 Million and seven dollars.

Further discussion was held on this subject after which the Commission thanked the Chief for his report.

TRANSFER OF JITNEY BUS PERMIT - APPROVED

The matter of the transfer of the right to operate a jitney bus by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a jitney bus to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

TRANSFEROR

TRANSFeree NO.OF PERMITS

Homer W. Wood	Mary B. Wood	1
166 Appleton Street	166 Appleton Street	
San Francisco, Calif.	San Francisco, California	

Route: Third and Stevenson Streets to S. P. Depot;
 to 6600 Third Street and Hunter's Point.

AYES: Commissioners Ciani, Gallegos, hall,
 Murphy, Siggins

PUBLIC HEARING RELATIVE TO ADOPTING A RESOLUTION
AMENDING RULE 2.36 OF THE RULES AND PROCEDURES OF
THE SAN FRANCISCO POLICE DEPARTMENT-WEIGHT AND
PHYSICAL FITNESS STANDARDS.

It was pointed out to the Commissioners by the Secretary, that in a communication received from the San Francisco Police Officers' Association this date, a request for a meet and confer session on Rule 2.36 of the San Francisco Police Department Rules and Procedures and the Bar Association Proposal for the Office of Civilian Complaint Procedures.

Commissioner Siggins stated that the Commission would defer any action on this item until after meeting and conferring with the San Francisco Police Officers' Association. The meeting will be scheduled for Monday, December 6, 1976 at the Hall of Justice, at 5:15 P.M.

BIBLIOGRAPHY FOR PROMOTIVE EXAMINATION FOR LIEUTENANT
OF POLICE, CONTINUED FROM MEETING OF NOVEMBER 24,
1976.

Chief Gain stated that at last week's meeting the Police Commission has added to the Lieutenant's Bibliography List, two books with the proviso that they may be withdrawn after his review and subsequent recommendation. The two books added were American Minorities, The Justice Issue, and the Administration of Justice, Chapter 12 only. The Chief stated that the book American Minorities, the Justice Issue contained statements with which he took exception. He then distributed written copies of those statements to the Commissioners. He stated that for those reasons he was recommending that this book, American Minorities, The Justice Issue, be removed from the list.

Commissioner Hall then asked if he was recommending any books to replace it?

The Chief answered saying that he had not had the time to review any other books in regard to replacement.

Commissioner Hall stated that he was a little bit disappointed knowing the intent of the people who recommended the books. The Department has no books on the list concerned with Human Relations in which everything a pluralistic society warrants.

The Chief stated that the other book, as he recalled, the one chapter out of the Administration of Justice, which he read, was rudimentary but did have subject matter that would be appropriate and was therefore recommending it remain on the list. He then stated if the Commission desired, the item would be deferred one more week for further research. He would then find a book that he would submit to the Commission for consideration.

Commissioner Siggins stated that he thought some of the other books already on the list covered subjects on minority group relations.

The Chief stated that he did not think any of the books of the original 7, specifically related to or adequately treated the subject, and that is the reason that Officer Will Battle, President of the Officers For Justice, had recommended the addition of the books now in question.

A motion was made by the Commission to direct the Chief to confer with Dr. Mimi Silbert and submit a recommendation at the next Police Commission meeting.

At this time a member of the audience requested information on the progress report by the Chief with regard to the Bar Association Proposal on the Office of Citizens Complaints. He also wanted to know what action may be forthcoming this Monday in regard to the proposed conference the Commission will have with the San Francisco Police Officers' Association on the Bar Proposal.

Chief Gain stated that he was remiss in not giving a status report. He apologized and went on to say he had met with Mr. Amitai Schwartz and others from the Bar Association and that they had had a two-fold task. He said that the Commission adopted, in Principle, the Procedural recommendations of the Bar Association and Department Staff was to draft a General Order to submit to the Commission. He continued by saying that he has had very little time to conduct nothing but brief discussions on it. He further stated that he and Mr. Schwartz are scheduled to meet on this Saturday and undertake the task of writing the draft in that order. He stated that the other task was to find the cost for the Staffing of

the OCC and on that point he met with Mr. Schwartz and other representatives of the Bar Association and Department Staff. He further stated that they did arrive at cost figures which he did not have with him but it did show that the cost to Staff the OCC would be less than that of having a sworn Staff. He then stated that with the Commission's approval, next week he would give them written material on the cost factors and by that time he would have achieved more in preparing a General Order. He then asked the Commissioners for clarification in regard to the Staffing.

Commissioner Ciani: "There were discussion about investigating the Civil Service requirements and what procedures we wanted to go through and the timing of those procedures."

Commissioner Hall said he thought also that there were discussions on the upgrading of the present Internal Affairs Bureau in terms of the recommendation made by the Office of Citizen Complaints Proposal, and also mentioned the Chief had some 15 exceptions to the proposal.

Chief Gain: "Those were to the Procedural recommendations which were approved in principal, and which will be taken up in writing the General Order."

Commissioner Murphy said she envisaged the possibility of getting the cost of Staffing the way the Bar Association recommended it. And she also suggested that we might look into the contracting for Hearing Officers with the State.

The Chief stated that he had done all of that.

Commissioner Murphy said she thought that was about as far as he could go right now.

The Chief then stated that it was clear to him now what the stance of the Commission is and the costing out of the Staffing. He then stated that regarding the Hearing Officers he thought that there were three alternatives, one was free, one was using an arbitrator of some type and the third was a panel. He ended by saying he would give a report to the Commission on this subject next week.

RESOLUTION NO. 563-76

HEARING OF POLICE OFFICER MARIO DILORENZO, INGLESIDE

POLICE STATION

WHEREAS, the hearing of Police Officer Mario DiLorenzo, Ingleside Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Sergeant David P. Roche, Attorney for the Prosecution, and Mr. Stephen Bruce Bley, Attorney for the Defense, that the hearing for Police Officer Mario DiLorenzo be continued to Wednesday, December 8, 1976; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Mario DiLorenzo, is set for Wednesday, December 8, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissisoners Ciani, Gallegos, Hall,
 Murphy, Siggins

RESOLUTION NO. 564-76

HEARING OF POLICE OFFICER JOHNNIE FLANNIGAN,
MISSION POLICE STATION

WHEREAS, the hearing of Police Officer Johnnie Flannigan, Mission Police Station, was called, it having been set for this date; and

WHEREAS, Mr. Carlos C. LaRoche, who is representing Police Officer Johnnie Flannigan, has requested that a date for the hearing be set after the criminal proceedings have been disposed of in this matter; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Johnnie Flannigan is set for Wednesday, December 15, 1976 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
 Murphy, Siggins

RESOLUTION NO. 565-76

HEARING OF POLICE OFFICER MICHAEL E. GALLAGHER,

PARK POLICE STATION

WHEREAS, the hearing of Police Officer Michael H. Gallagher, Park Police Station, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, attorney for Police Officer Michael H. Gallagher, has requested a continuance in this matter because of Officer Gallagher's continued incapacitation due to earlier injuries sustained; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael H. Gallagher, is set for Wednesday, January 12, 1977 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

RESOLUTION NO. 566-76

HEARING OF POLICE OFFICER GEORGE MOISSANT, TARAVAL POLICE STATION.

WHEREAS, the hearing of Police Officer George Moissant, Taraval Police Station, was called, it having been set for this date; and

WHEREAS, Mr. George Engler, attorney for Police Officer George Moissant, has requested a continuance in this matter as Officer Moissant is still undergoing medical treatment for his condition, and a hearing at this time would be detrimental to his health; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer George Moissant is set for Wednesday, December 22, 1976, at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

CONTINUATION OF THE HEARING OF POLICE OFFICER MARK

E. HURLEY, BUREAU OF CRIMINAL INFORMATION

The matter of the hearing of Police Officer Mark E. Hurley, Bureau of Criminal Information, was called, it having been continued from the meeting of November 17, 1976.

Police Officer Mark E. Hurley appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Sergeant David P. Roche, Attorney at Law, and assigned to the Police Department's Legal Office, appeared as the Prosecutor for the Police Department.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Police Officer Mark E. Hurley
Animal Control Unit

Police Officer Michael T. Sugrue
Animal Control Unit

Mr. Clarence Graves (Mailman)
290 Missouri Street
San Francisco, California

The following-named witnesses appeared for the Defense, were sworn and testified:

Police Officer Mark E. Hurley
Animal Control Unit

Mr. Henry Lubet
Bartender at the Mayflower Bar and Grill
125 Langton Street
San Francisco, California

Officer Raymond Krutt
Taraval Police Station

Sergeant Frank Greer
Internal Affairs Bureau

Mr. Gil Anduja
Proprietor of Mayflower Bar and Grill
18th & Connecticut Streets
San Francisco, California

Mr. Peter Gonzales
18th & Connecticut Streets
San Francisco, California

Mr. Richard Gonzales
18th & Connecticut Streets
San Francisco, California

Lori Nawrath
620 Bolinas Road
Fairfax, California

Both attorneys stipulated that the below-listed officers, if sworn, would testify to the same matter as Police Officer Raymond Krutt.

Sergeant Jasper T. Starkie
Southeast Police Station

Sergeant Olin Allgire
Southeast Police Station

Police Officer Thomas Crawford
Southeast Police Station

Police Officer Robert Cardinale
Southeast Police Station

Police Officer Gene Cross
Southeast Police Station

Police Officer David Lambrecht
Southeast Police Station

Police Officer Willis Garriott
Southeast Police Station

Police Officer Micheal Mahoney
Southeast Police Station

Police Officer Albert Squair
Southeast Police Station

Police Officer Eugene Huddleston
Southeast Police Station

Police Officer Donald Bickel
Southeast Police Station

Police Officer Joseph Ryan
Southeast Police Station

Police Officer Kevin J. O'Connor
Southeast Police Station

Police Officer Ignacio Fuentes
Southeast Police Station

Police Officer Layne Amiot
Southeast Police Station

Police Officer Richard Moore
Southeast Police Station

A closing argument was waived by Sergeant David P. Roche, Prosecuting Attorney.

A closing argument was then presented by Mr. Stephen Bruce Bley, Defense Attorney.

The Commission took the matter under submission and then recessed from 2320 hours to 2330 hours after which the following resolution was adopted:

RESOLUTION NO. 567-76

DECISION - HEARING OF POLICE OFFICER MARK E. HURLEY,
BUREAU OF CRIMINAL INFORMATION

WHEREAS, on August 23, 1976, Charles R. Gain, Chief of Police, San Francisco Police Department, made and served charges against Police Officer Mark E. Hurley, as follows:

SPECIFICATION NO. 1

- a) That on July 22, 1976, at or about 1215 hours, the accused did enter a bar known as the Mayflower Bar and Grill;
- b) That the accused was on duty and in uniform at the above-mentioned time;
- c) That the accused did stand* next to the bar and did there consume an alcoholic beverage;
- d) That because of the above-stated conduct, the accused did violate Section 2.125 of the Rules and Procedures of the San Francisco Police Department, which reads, as follows:

"Shall not, while on duty or in uniform, drink any kind of intoxicating liquor or whether on or off duty be under the influence of intoxicating liquor to such an extent that he will not always be prepared to exercise police powers and be entrusted with the performance of police duty in a calm, deliberate and efficient manner."

*The word "stand" was deleted and the word "sit" was inserted. (Amended charges dated August 27, 1976.)

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, November 17, 1976, and on Wednesday, December 1, 1976, and that on Wednesday, December 1, 1976, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Mark E. Hurley, Bureau of Criminal Information, as contained in Specification No. 1, are not sustained by the evidence submitted at the hearings and that Police Officer Mark E. Hurley has not violated Section 2.125 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Mark E. Hurley, be found not guilty of the charges contained in Specification No. 1, violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.

Recessess: 2146 hours to 2202 hours
2320 hours to 2330 hours

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. McTaggart, C.S.R.)

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

CONTINUATION OF THE HEARING OF POLICE OFFICER
MICHAEL T. SUGRUE, BUREAU OF CRIMINAL INFORMATION

The matter of the hearing of Police Officer Michael T. Sugrue, Bureau of Criminal Information, was called, it having been continued from the meeting of November 17, 1976.

Police Officer Michael T. Sugrue appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Sergeant David P. Roche, Attorney at Law, and assigned to the Police Department's Legal Office, appeared as the Prosecutor for the Police Department.

The following-named witnesses appeared for the Prosecution, were sworn and testified:

Police Officer Mark E. Hurley
Animal Control Unit

Police Officer Michael T. Sugrue
Animal Control Unit

Mr. Clarence Graves (Mailman)
290 Missouri Street
San Francisco, California

The following-named witnesses appeared for the Defense, were sworn and testified:

Police Officer Michael T. Sugrue
Animal Control Unit

Mr. Henry Lubet
Bartender at the Mayflower Bar and Grill
125 Langton Street
San Francisco, California

Officer Raymond Krutt
Taraval Police Station

Sergeant Frank Greer
Internal Affairs Bureau

Mr. Gil Anduja
Proprietor of Mayflower Bar and Grill
18th & Connecticut Streets
San Francisco, California

Mr. Peter Gonzales
18th & Connecticut Streets
San Francisco, California

Mr. Richard Gonzales
18th & Connecticut Streets
San Francisco, California

Lori Nawrath
620 Bolinas Road
Fairfax, California

Both attorneys stipulated that the below-listed officers, if sworn, would testify to the same matter as Police Officer Raymond Krutt.

Sergeant Jasper T. Starkie
Southeast Police Station

Sergeant Olin Allgire
Southeast Police Station

Police Officer Thomas Crawford
Southeast Police Station

Police Officer Robert Cardinale
Southeast Police Station

Police Officer Gene Cross
Southeast Police Station

Police Officer David Lambrecht
Southeast Police Station

Police Officer Willis Garriott
Southeast Police Station

Police Officer Michael Mahoney
Southeast Police Station

Police Officer Albert Quair
Southeast Police Station

Police Officer Eugene Huddleston
Southeast Police Station

Police Officer Donald Bickel
Southeast Police Station

Police Officer Joseph Ryan,
Southeast Police Station

Police Officer Kevin J. O'Connor
Southeast Police Station

Police Officer Ignacio Fuentes
Southeast Police Station

Police Officer Layne Amiot
Southeast Police Station

Police Officer Richard Moore
Southeast Police Station

A closing argument was waived by Sergeant
David P. Roche, Prosecuting Attorney.

A closing argument was then presented by Mr.
Stephen Bruce Bley, Defense Attorney.

The Commission took the matter under sub-
mission and then recessed from 2320 hours to 2330
hours after which the following resolution was adopted:

RESOLUTION NO. 568-76

DECISION - HEARING OF POLICE OFFICER MICHAEL T. SUGRUE,
BUREAU OF CRIMINAL INFORMATION.

WHEREAS, on August 23, 1976, Charles R. Gain,
Chief of Police, San Francisco Police Department, made
and served charges against Police Officer Michael T.
Sugrue, as follows:

SPECIFICATION NO. 1

- a) That on July 22, 1976, at or about
1215 hours, the accused did enter a
bar known as the Mayflower Bar and
Grill;
- b) That the accused was on duty and in
uniform at the above-mentioned time;
- c) That the accused did stand* next
to the bar and did there consume
an alcoholic beverage;

- d) That because of the above-stated conduct, the accused did violate Section 2.125 of the Rules and Procedures of the San Francisco Police Department, which reads as follows:

"Shall not, while on duty or in uniform, drink any kind of intoxicating liquor or whether on or off duty be under the influence of intoxicating liquor to such an extent that he will not always be prepared to exercise police powers and be entrusted with the performance of police duty in a calm, deliberate and efficient manner."

*The word "stand" was deleted and the word "sit" was inserted. (Amended charges dated August 27, 1976.)

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, November 17, 1976, and on Wednesday, December 1, 1976, and that on Wednesday, December 1, 1976, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Michael T. Sugrue, Bureau of Criminal Information, as contained in Specification No. 1, are not sustained by the evidence submitted at the hearings and that Police Officer Michael T. Sugrue has not violated Section 2.125 of the Rules and Procedures of the San Francisco Police Department; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Michael T. Sugrue, be found not guilty of the charges contained in Specification No. 1, violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.

Recesses: 2146 hours to 2202 hours
2320 hours to 2330 hours

(The entire proceedings were taken in shorthand form by Hearing Reporter Dorsey A. McTaggart, C.S.R.)

AYES: Commissioners Ciani, Hall, Murphy,
Siggins

NOT VOTING: Commissioner Gallegos

TRAFFIC RECOMMENDATIONS - REVOCATIONS - APPROVED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 158 feet of white, green and yellow zones at locations in the City submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 557-76

HOWARD M. STEARN

RESOLVED, that the recommendation of the City Attorney for settlement of Small Claims Court Action No. 328-055 in the sum of \$24.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 14, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 558-76

POLICE NARCOTIC FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$4,000 charging same to Appropriation No. 6.161.890.050 as an advance on the Police Narcotic Fund for the month of January, 1977.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 559-76

POLICE CONTINGENT FUND

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Charles R. Gain in the amount of \$3,000 charging same to Appropriation No. 6.161.890.000 as an advance on the Police Contingent Fund for the month of January, 1977.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 560-76

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY POLICE OFFICERS DAVID L. DENNIS, MICHAEL L. GONSOLIN, MICHAEL J. GRIFFIN, RICHARD M. HUDDLESTON, AND MICHAEL J. YALON, AT AN ADVANCED SPECIALIZED TACTICS TRAINING COURSE AT FORT ORD, MONTEREY, CALIFORNIA FROM OCTOBER 26, 1976 TO OCTOBER 27, 1976, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police, the above-named police officers received permission from the Police Commission to attend an Advanced Specialized Tactics Training Course at Fort Ord, Monterey, California; and

WHEREAS, Police Officers Dennis, Gonsolin, Griffin, Huddleston, and Yalon did travel to Fort Ord, Monterey, California, to attend said course from October 26, 1976 to October 27, 1976, inclusive; therefore be it

RESOLVED, that expenses in the amount of \$75.00 each incurred by these police officers while attending this course are hereby approved. Expenses will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall, Murphy, Siggins

RESOLUTION NO. 561-76

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL TO TRAVEL EXPENSES INCURRED BY POLICE OFFICERS JOSEPH K. ALLEGRO, LARRY BARSETTI, CROCE A. CASCIATO, JOSEPH KENNEDY, VINCE NEESON AND MARK A POTTER, AT AN ADVANCED SPECIALIZED TACTICS TRAINING COURSE AT FORT ORD, MONTEREY, CALIFORNIA, FROM OCTOBER 19, 1976 TO OCTOBER 20, 1976, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police the above-named police officers received permission from the Police Commission to attend an Advanced Specialized Tactics Training Course at Fort Ord, Monterey, California; and

WHEREAS, Police Officers Allegro, Barsett, Casciato, Kennedy, Neeson and Potter did travel to Fort Ord, Monterey, California to attend said course from October 19, 1976 to October 20, 1976, inclusive; therefore be it

RESOLVED, that expenses in the amount of

\$75.00 each incurred by these police officers while attending this course are hereby approved. Expenses will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

RESOLUTION NO. 562-76

AUTHORIZING ATTENDANCE OF POLICE OFFICER RICHARD BODISCO, TRAFFIC BUREAU, AT A COMMUNITY NOISE CONTROL COURSE AT THE CALIFORNIA UNIVERSITY EXTENSION IN SAN FRANCISCO, CALIFORNIA, ON DECEMBER 2, 1976 AND DECEMBER 3, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Police Officer Richard Bodisco, Traffic Bureau, be detailed to attend a Community Noise Control Course at the California University Extension in San Francisco, California, on December 2, 1976 and December 3, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officer Richard Bodisco, Traffic Bureau, in attending this course will be defrayed by the U.S. Environmental Protection Agency.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

WEEKLY SICK REPORT

Chief of Police Charles R. Gain, submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, November 23, 1976 at 2400 hours as follows:

	<u>PREVIOUS WEEK</u>	
Daily average for the week sick	82	69
Daily average for the week disabled	<u>122</u>	<u>124</u>
TOTALS	204	193

This is an increase of eleven (11) members off duty daily from the previous week.

PREVIOUS WEEK

Daily percentage for the week sick	4.10	3.31
Daily percentage for the week disabled	<u>7.30</u>	<u>7.48</u>
TOTALS	11.40	10.79

Disabled at start of week	126
Started during the week	13
Returned during the week	16
Disabled at end of week	123
Net Gain or Loss	-3

Sick and Disabled for week ending, Saturday, November 29, 1975 at 2400 hours:

Daily average for the week sick	50
Daily average for the week disabled	<u>97</u>
TOTAL	147

Daily percentage for the week sick	2.60
Daily percentage for the week disabled	<u>5.23</u>
TOTAL	7.83

Sick and Disabled for the week ending, Tuesday, November 2, 1976 at 2400 hours:

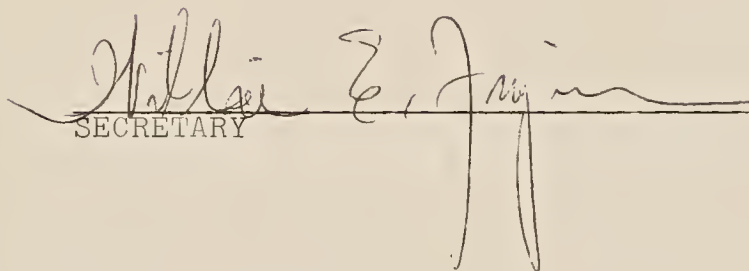
Daily average for the week sick	72
Daily average for the week disabled	<u>124</u>
TOTAL	196

Daily percentage for the week sick	3.68
Daily average for the week disabled	<u>7.48</u>
TOTAL	11.16

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Murphy, Siggins

The Commission then adjourned its meeting.



SECRETARY

DECEMBER 1976

SPECIAL MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Monday, December 6, 1976 at 1700 hours in Special Session:

DOCUMENTS

MAR 17 1977

SAN FRANCISCO
PUBLIC LIBRARY

PRESENT: Commissioners Ciani, Murphy, Siggins

ABSENT: Commissioner Gallegos, Hall

Commissioner Siggins presiding.

SUPPLEMENTAL APPROPRIATION TO HIRE 200 ADDITIONAL
POLICE OFFICERS PURSUANT TO RESOLUTION OF THE BOARD
OF SUPERVISORS FILE NO. 528-76.

Chief Gain stated to the Commission that he would have Captain Kevin Mullen of Planning and Research, give an oral presentation in regards to the status of various funding proposals for additional personnel.

Captain Mullen then presented to the Commission a letter of transmittal that contained a request for a Supplemental Appropriation to hire additional Officers for the San Francisco Police Department. He then gave the Commissioners an overview and summarization of its contents.

Commissioner Murphy noted during the breakdown of Captain Mullen's presentation that some people would be hired on a limited tenure basis. She then asked if there was a Civil Service list available to draw these persons from.

Chief Gain then had Captain Conroy explain the availability of the current list and what the Police Department is doing in that regard. He stated that there were 228 individuals off the eligible list who have gone through everything except the final background investigation and physical examination by the Police Surgeon. 125 have already been reached in order to have the present compliment leaving only 103 individuals who require an updating on the back ground investigation and an examination by the Police Surgeon. He further stated that they have passed the Civil Service Medical Exams and the Department has their applications and resumes on file. 39 are ready to be hired immediately.

Commissioner Ciani asked what will happen when these positions are unfunded and if by attrition vacancies would become available for permanent employment.

Chief Gain stated that each individual who is non-

permanently employed will be told that the nature of the employment is indefinite.

Chief Gain then had Lieutenant Lennon of Planning and Research give an overview of the Supplemental Appropriations in Attachments #4 and #5 of the letter of transmittal.

At this point Commissioner Siggins stated that Mr. Wakefield from Supervisor John J. Barbagelata's staff requested to be heard in behalf of the Supervisor. Mr. Wakefield then presented a seven page letter from the Supervisor to each of the Commissioners. Mr. Wakefield then read into the record the contents of the letter. (Filed with Commission Calendar items.)

Commissioner Siggins then inquired as to whether the Supervisor was speaking in behalf of all of the Board.

Mr. Wakefield stated that the Supervisor was speaking in behalf of the Finance Committee but the Resolution of which the letter was all about was adopted unanimously by the Board of Supervisors. Mr. Wakefield then thanked the Commissioners and stated that on behalf of Supervisor Barbagelata he would like to commend the Chief and his Staff for the work they have done thus far in carrying out the intention of this Resolution.

Chief Gain stated that when the Mayor approved placing 60 additional police officers out in the street (referred to in the Supervisor's letter previously read into the record) partially through our budget funding to be reimbursed later, what he emphasized was that the results of the officers efforts would have to be measured in order to verify whether putting additional officers on the street produces output consistent with the additional cost for such personnel. He further stated that what the Mayor looks forward to is an ongoing evaluation of results obtained from the increased number of personnel. He stated that the Department will make daily and weekly reports and will be sending those to the Commission and the Mayor.

Police Officer Wilbert Battle, President of the Officers For Justice requested to speak and stated that all of these plans had been formulated to spend Federal Funds and no affirmative action plans were taken into consideration.

Chief Gain stated that any matter such as affirmative action must attach and would attach at the appropriate time during the development and implementation of these various proposals.

Police Officer Troy Dangerfield, Community Relations Bureau, stated that the current list reflected only 38% minorities and that many persons on that list had gone to other departments in the Bay Area. He further stated that Affirmative Action must be considered and if it isn't, Community people, the OFJ and others would probably be the lead claimant to see that none of the money is spent.

Commissioner Murphy stated that she was for Affirmative Action. She said looking at this letter of transmittal, she believed it possible to develop an Affirmative Action plan within the framework of the letter. She further stated that something will have to be done very quickly about crime in the city and she would do everything in her power to see that the two subjects were not mutually exclusive.

Mr. Leonel Uriarte, President of LULAC in the Mission District, stated that the Plan devised by the Board of Supervisors in using CETA Funds is taking money from the poor to hire additional police officers. He said that those funds were scheduled to be used for the hardcore unemployed poor persons.

Director Rodney William, commanding Officer of the Community Relations Bureau, stated that the Department should assign an officer to set up an Affirmative Action program to be ongoing for five years and with periodic progress reports during that time. He said the Police Commission should take this into consideration when thinking about accepting Federal Funds.

Commissioner Siggins stated that the San Francisco Police Department was not unique as far as Affirmative Action goes. He said that other Department's throughout the United States were involved with these programs. He further stated that the San Francisco Police Department's last graduating class reflected a number of minorities who were brought in through an Affirmative Action Program.

Mr. Henry Durr, Chinese for Affirmative Action, he stated that they were one of the co-plaintiffs in the Officers for Justice litigation against the San Francisco Civil Service Commission. He stated that he wanted to take this opportunity to reaffirm their belief that there has to be affirmative action in any hiring that takes place during this period. He stated that he believed the Police Commission should look judicially at the CETA requirements and also look at what kind of police officers are required out on the streets. He further stated that crime has always existed in the minority community but how can a non-English speaking person report these crimes if between the hours of eight to four there is not one Chinese speaking officer working out of Central Station. He stated that even if the Department did get 400 people and they could not effectively communicate

with the residents of this City then we will have not gotten very far in solving the problem in crime and crime reporting.

Mr. James Fields, Bay View Hunters Point Affirmative Actions program. He stated that he would like to speak to the subject of youth on the busses after High School games. He stated that his organization had the drafting of a type of program they feel would be workable and would like to meet further with the Police Department. He said it deals specifically with the youth of High School age, about 200 in number for 200 days, and paying them approximately \$3.50 per hour for a half day schedule. He continued by saying that the types of persons that would be considered for this program would be persons the police were watching. They would be identified by the school district as persons who had been expelled, potential dropouts and those who have been kicked out but still hang around the schools. Types of duties would be such things as scrubbing the busses and acting as an aid to the operators themselves. He stated that he would hope to meet further with the Chief and the Commission to further study this proposal.

Commissioner Siggins then thanked Mr. Fields for his presentation and took the matter under advisement.

Chief Gain: "I would like to comment again if I may; Our action tonight is to further a plan in response to the Board of Supervisor's Resolution and as in regards to affirmative action, City, legal problems if that be the case all those matters will have to be addressed and resolved in a satisfactory manner as this plan proceeds. The action of the Commission tonight is really no more than its policy statement by acting upon these, to get the plan on the road and we have to see in the future what develops."

Commissioner Siggins: "I certainly appreciate that and I am glad that Captain Mullen, Captain Conroy and Lieutenant Lennon are here to hear those views as we proceed with the (inaudible). I am ready for the motion."

Commissioner Ciani: "I move that we approve the supplementary appropriation in the form presented to the Commission and identified as Attachments 4 and 5, and approve in principle the further planning outlined in the letter presented to us by the Chief. I would like to state in making this motion that I am delighted that we may finally be getting the tools to do the job that we are here to do. Supervisor Barbagelata has commended us to be imaginative and aggressive. We want to accept that challenge very willingly. This Administration has already been as imaginative and aggressive as it could be given the constraints under which we have been operating since we took over. Now we have an opportunity to be given adequate resources."

Commissioner Siggins: "The motion is to adopt the supplemental appropriations identified as Attachments 4 and 5 and to cause them to be signed by the Commission Secretary and passed along to the Mayor. We can also add the comments by Commissioner Ciani as a separate motion, seconded by Commissioner Murphy."

RESOLUTION NO. 571-76

RESOLUTION APPROVING IN PRINCIPLE A PLAN SUBMITTED BY THE CHIEF OF POLICE AND HIS STAFF AND ADOPTING ATTACHMENTS FOUR AND FIVE OF THE PLAN THAT ARE SUPPLEMENTAL APPROPRIATIONS FOR AUGMENTATION OF THE POLICE SERVICES OF THE CITY.

WHEREAS, on November 22, 1976 and November 24, 1976, the Mayor of the City and County of San Francisco submitted to the Board of Supervisors a plan outlining his intended expenditures of Title II Public Works Employment Act Funds which after consultation with Police Department Staff, would be used to increase Police Department Personnel; and

WHEREAS, on November 29, 1976, the Board of Supervisors by Resolution recommended that the Police Department submit a plan and a Supplementary Appropriation to augment the Police Service of the City; and

WHEREAS, said plan was submitted by the Chief and his Staff to the Police Commission at a Special Meeting on Monday, December 6, 1976, at which time Police Commissioner Judith E. Ciani, moved that the Supplemental Appropriations in Attachments 4 and 5 of the Plan be approved and also recommended approval in principal of further Planning, in line with the letter that the Chief presented, for further augmentation of the Police Services of the City; therefore be it

RESOLVED, that the motion to approve the Supplemental Appropriations in Attachments 4 and 5 and the approval in principal of the further Planning outlined in the letter presented by the Chief of Police for augmentation of the Police Services to the City, be, and the same is hereby approved.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

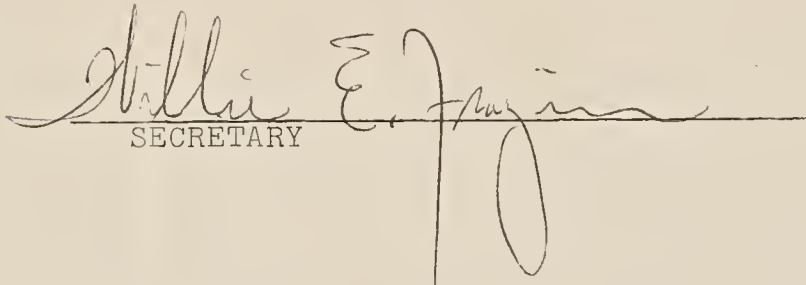
Chief Gain: "May I announce, Mr. President and members of the Commission, that I express the willingness of the staff to meet in regards to any affirmative action plan or any facet of this at the

appropriate time as the plan proceeds. We would be very happy to see what problems there are and how we can work them out."

MEET AND CONFER WITH THE SAN FRANCISCO POLICE OFFICERS' ASSOCIATION.

The Meet and Confer session with the San Francisco Police Officers' Association was continued because of the absence of their president who is in Florida and their Secretary who is in Puerto Rico. Commissioner Siggins stated that the Meet and Confer session would be scheduled for a later date.

The Commission then adjourned its meeting.


SECRETARY

6 DECEMBER 1976

SPECIAL MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Monday, December 6, 1976 at 1700 hours in Special Session:

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DEC 17 1976

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ABSENT: Commissioner Gallegos. Hall

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Mr. James Fields, Bay View Hunters Point Affirmative Actions program. He stated that he would like to speak to the subject of youth on the busses after High School games. He stated that his organization had the drafting of a type of program they feel would be workable and would like to meet further with the Police Department. He said it deals specifically with the youth of High School age, about 200 in number for 200 days, and paying them approximately \$3.50 per hour for a half day schedule. He continued by saying that the types of persons that would be considered for this program would be persons the police were watching. They would be identified by the school district as persons who had been expelled, potential dropouts and those who have been kicked out but still hang around the schools. Types of duties would be such things as scrubbing the busses and acting as an aid to the operators themselves. He stated that he would hope to meet further with the Chief and the Commission to further study this proposal.

Commissioner Siggins then thanked Mr. Fields for his presentation and took the matter under advisement.

Chief Gain: "I would like to comment again if I may; Our action tonight is to further a plan in response to the Board of Supervisor's Resolution and as in regards to affirmative action, City, legal problems if that be the case all those matters will have to be addressed and resolved in a satisfactory manner as this plan proceeds. The action of the Commission tonight is really no more than its policy statement by acting upon these, to get the plan on the road and we have to see in the future what develops."

Commissioner Siggins: "I certainly appreciate that and I am glad that Captain Mullen, Captain Conroy and Lieutenant Lennon are here to hear those views as we proceed with the (inaudible). I am ready for the motion."

Commissioner Ciani: "I move that we approve the supplementary appropriation in the form presented to the Commission and identified as Attachments 4 and 5, and approve in principle the further planning outlined in the letter presented to us by the Chief. I would like to state in making this motion that I am delighted that we may finally be getting the tools to do the job that we are here to do. Supervisor Barbagelata has commended us to be imaginative and aggressive. We want to accept that challenge very willingly. This Administration has already been as imaginative and aggressive as it could be given the constraints under which we have been operating since we took over. Now we have an opportunity to be given adequate resources."

Commissioner Siggins: "The motion is to adopt the supplemental appropriations identified as Attachments 4 and 5 and to cause them to be signed by the Commission Secretary and passed along to the Mayor. We can also add the comments by Commissioner Ciani as a separate motion, seconded by Commissioner Murphy."

RESOLUTION NO. 571-76

RESOLUTION APPROVING IN PRINCIPLE A PLAN SUBMITTED BY THE CHIEF OF POLICE AND HIS STAFF AND ADOPTING ATTACHMENTS FOUR AND FIVE OF THE PLAN THAT ARE SUPPLEMENTAL APPROPRIATIONS FOR AUGMENTATION OF THE POLICE SERVICES OF THE CITY.

WHEREAS, on November 22, 1976 and November 24, 1976, the Mayor of the City and County of San Francisco submitted to the Board of Supervisors a plan outlining his intended expenditures of Title II Public Works Employment Act Funds which after consultation with Police Department Staff, would be used to increase Police Department Personnel; and

WHEREAS, on November 29, 1976, the Board of Supervisors by Resolution recommended that the Police Department submit a plan and a Supplementary Appropriation to augment the Police Service of the City; and

WHEREAS, said plan was submitted by the Chief and his Staff to the Police Commission at a Special Meeting on Monday, December 6, 1976, at which time Police Commissioner Judith E. Ciani, moved that the Supplemental Appropriations in Attachments 4 and 5 of the Plan be approved and also recommended approval in principal of further Planning, in line with the letter that the Chief presented, for further augmentation of the Police Services of the City; therefore be it

RESOLVED, that the motion to approve the Supplemental Appropriations in Attachments 4 and 5 and the approval in principal of the further Planning outlined in the letter presented by the Chief of Police for augmentation of the Police Services to the City, be, and the same is hereby approved.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

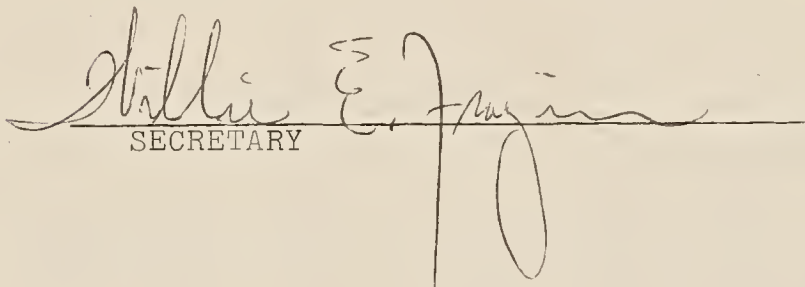
Chief Jain: "May I announce, Mr. President and members of the Commission, that I express the willingness of the staff to meet in regards to any affirmative action plan or any facet of this at the

appropriate time as the plan proceeds. We would be very happy to see what problems there are and how we can work them out."

MEET AND CONFER WITH THE SAN FRANCISCO POLICE OFFICERS' ASSOCIATION.

The Meet and Confer session with the San Francisco Police Officers' Association was continued because of the absence of their president who is in Florida and their Secretary who is in Puerto Rico. Commissioner Siggins stated that the Meet and Confer session would be scheduled for a later date.

The Commission then adjourned its meeting.


SECRETARY

8 DECEMBER 1976

REGULAR MEETING

Minutes

The Police Commission of the City and County of San Francisco met in their chambers, Room 51, Hall of Justice, 850 Bryant Street, on Wednesday, December 8, 1976 at 1730 hours, in regular session.

DOCUMENTS

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PRESENT: Commissioners Ciani, Murphy, Siggins

ABSENT: Commissioners Gallegos, Hall

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of the meeting of November 24, 1976 and December 1, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "Mr. President, members of the Commission, at a later time in tonight's agenda we would like to discuss again the numbers of additional policemen. We are not prepared to at this time, so I have no report at this time."

POLICE COMMISSION DISCUSSION REGARDING BAR ASSOCIATION PROPOSAL ON THE OFFICE OF CITIZEN COMPLAINTS.

Chief Gain stated that he had been directed at last week's Commission meeting to prepare a cost analysis for the Staffing of the OCC Proposal. Copies of this analysis were distributed to the Commissioners prior to today's meeting. He then said there were a number of Captains in attendance who desired to speak in opposition to the OCC Proposal. He continued by saying that Captain George Eimil would speak in representation of some of the Captains and would do so at the pleasure of the Commission. He then stated that Captain J. William Conroy was the moving force in the compilation of the cost analysis report in conjunction with several members of the Bar Association. He said Captain Conroy would be the principal spokesman on that subject tonight.

Commissioner Siggins then indicated that he would like to hear from the Captains first.

Captain Eimil, speaking in behalf of all of the Captains of the Department, read a prepared statement which he distributed to the Commissioners. (Statement on file with Police Commission Calendar items of this meeting.) Briefly stated, the statement reveals that the captains, after conferring with members of their Commands concluded and concurred that only an experienced officer had the necessary expertise to evaluate the actions or conduct of an officer and to reach a proper conclusion. It was also stated that they were duty bound to support the Commission regardless of their views and that the Commission would certainly receive that support.

Commissioner Murphy asked Captain Eimil if the Captains discussed the procedural changes that could be put into effect, irrespective of who would conduct the investigations?

Captain Eimil stated that they had only discussed the concept that non-police personnel would be investigating complaints against police.

Captain Mortimer F. McInerney, Deputy Chief of Investigations, also presented to the commissioners a prepared statement and read its contents for the record. (Statement on file with Calendar items of this meeting.) Chief McInerney stated he was opposed to the proposal and his opposition was based on lengthy experience buttressed by common sense and a sense of fairness and professional indignation that the Bar Association of San Francisco of which he is unhappily a member, would have the temerity to present such a proposal which infers at the least ineptitude on the part of police investigators and their inability to conscientiously and capably investigate complaints of police misconduct and at the most charges and in writing that the complaints against police officers are not effectively and vigorously pursued.

Commissioner Ciani stated that the Commission should meet with representatives throughout the Department on this matter. She further stated that it was a phenomena that people fear what they don't understand and that it should be discussed and explained before a meaningful dialogue can be had on it.

Commissioner Murphy said she would certainly welcome some discussion of the proposal because the Commission didn't have it from elsewhere. She said we did not have it from the P.O.A., or from anyone else really from within the department.

Chief Gain interrupted the proceedings at this point.

Chief Gain: "Mr. President, if I may, this morning there was a meeting in the Mayor's Office attended by Mayor Moscone, the President of the Board of Supervisors, Supervisor Kopp, Supervisor Barbagalata, yourself and Captain Mullen. At that meeting it was discussed, what has been identified at the Mayor's Proposal regarding Title II Funds and the Board of Supervisor's Resolution and as a result of which we came to certain agreements which are reflected in the letter just presented to you. With your permission I will have Captain Mullen, who spent all day ardously working on this, make an oral presentation of the content and respond to any questions and then Supervisor Kopp and Supervisor Barbagalata will want to speak on the matter."

Captain Mullen then read the contents of the letter and elaborated upon various points of its proposal. (Letter on file in Police Commission Calendar Files.)

Chief Gain then introduced Supervisor Kopp, President of the Board of Supervisors.

Supervisor Kopp stated that he wanted to assure the Commission of the Boards continuing intent with regard to the substance of what was just presented by Captain Mullen, and within the constraints of the Charter, urge the Commission's favorable consideration of the matter. (Supervisor Kopp's entire statement was taped and is on file in the Police Commission minutes file.)

Supervisor Barbagalata was then introduced. He commended Chief Gain for his total cooperation and support. He then stated that in this package, the City is buying over 5 million dollars worth of police services for basically \$362,000.00 of local funds. He stated that he hoped the Commission would support it and that he could assure the Commission that it would be unanimously supported by the members of the Board and that they would expedite its passage as quickly as possible because we really need to move on it. (Supervisor Barbagalata's entire statement was taped and is on file in the Police Commission minutes file.)

Chief Gain then recommended to the ~~Commission~~ that the Commission pass a resolution in regard to the four specific items appearing on page five of the letter.

The Resolution was then adopted and passed as follows:

RESOLUTION NO. 585-76

ENDORISING AND APPROVING THE MAYOR'S PROPOSAL FOR EXPENDITURE OF TITLE II FUNDS, THE BOARD OF SUPERVISORS RESOLUTION NO. 528-76, AND THE POLICE DEPARTMENT'S STAFF PLAN TO INCLUDE C.E.T.A., EMPLOYMENTS FOR COMMUNICATION DISPATCHERS.

WHEREAS, on December 8, 1976, there was a meeting in the Mayor's Office on city expenditures of various Federal Funds, the purpose of which was to blend the Mayor's proposals of November 22, and November 24, 1976, with the Board of Supervisor's resolution of November 29, 1976, in such a way that both an immediate and a longer range strategic impact on street crime could be realized; and

WHEREAS, on November 15, 1976, the Board of Supervisors initiated Resolution No. 528-76, which was adopted as amended by the Chairman of the Finance Committee and the President of the Board on November 29, 1976, to support funding of no less than four hundred (400) positions in the Police Department; and

WHEREAS, as a collateral matter, Department Staff has been developing a plan to include in the civilian C.E.T.A., employments Communication Dispatchers who would free Police Officers from the Communications Division for street duty; therefore be it

RESOLVED, that the Police Commission does hereby endorse and approve the Mayor's proposal for expenditure of Title II funds, the Board of Supervisors Resolution No. 528-76 supporting the funding of no less than four hundred (400) positions in the Police Department, and the Police Department's Staff Plan to include C.E.T.A., employments for Communication Dispatchers who would free Police Officers from the Communications Division for street duty; and be it further

RESOLVED, that Resolution No. 583-76, requesting approval of a Supplemental Appropriation in the amount of \$162, 594 as the City's contribution for hiring Communication Dispatchers under the C.E.T.A., hiring program is hereby adopted and approved; and be it further

RESOLVED, that this Resolution, prepared pursuant to the above submitted Plans to effectuate an immediate and lasting impact on street crime in the City and County of San Francisco, be, and the same is hereby approved.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

Chief Gain then stated to the President that returning to the agenda item, the next speaker is Deputy Chief Mario Amoroso.

Deputy Chief Mario Amoroso then voiced his opposition to the Bar Association's O.C.C., proposal. He stated that he objected to the overall attitude of the report in that it implied that the Police Department could not clean its own house. He stated that the Internal Affairs under Chief Gain, is a unit with proper procedures and high standards. He stated that he could see no compelling reason to change the system at this time.

Lieutenant James Ryan of the Supervisors and Investigators Association also raised his objections in behalf of his association members to the proposal.

Chief Gain then thanked the Captains and the others for speaking. He stated that this was an opportunity for them that he thought was needed. He stated that he would like to commend Captain Kevein Mullen and Lieutenant Michael Lennon and he was sure that the Commission would likewise, for their work of about six long days and about 16 hours a day which was reflected very well in completed staff work.

A. Mr. Silva from the Police Incidents Group in the Mission District, spoke after being recognized by the President of the Commission. He stated that while listening to the Deputy Chief speak in regard to the sparse attendance at the O.C.C., hearings that the reason for such attendance could have quite possibly been because the Police Department and the Police Commission did not lend enough in getting the people of San Francisco to come out to those hearings.

Chief Gain then stated that Captain Conroy would make the presentation of the Cost Analysis of the Bar Association Proposal on the Office of Citizen Complaints Procedures. Captain Conroy stated that he had been assigned a particular task in working with the Bar Association to cost out what exactly would occur if the Internal Affairs Bureau were, in fact, converted to civilian status. He then gave an overview of the contents of that document and how they arrived at a breakdown of the cost to fund the various civilian positions. (Document on file with Commission Calendar items.)

Commissioner Ciani stated that she would like to say for herself and she was sure that the other Commissioners would agree, that this was an excellent report and there should be a letter addressed to everyone who was involved in the preparation of the report.

Chief Gain stated that he thought it would be appropriate that a letter went to representatives of the Bar Association also who worked on the report and that he would give to the Commission the names and addresses of those involved. He stated that this

was a committee function and it took several committee meetings to complete it, and he thought a letter of commendation from the Commission would be most deserving.

Further discussion was held on the matter after which Chief Gain stated that that completed the Department's report. He further stated that the other phase where the Staff is to promulgate a General Order really has not gotten off the ground at this point.

Mr. Blumberg from the Bar Association then spoke further in regards to the Cost Analysis report as submitted by Captain Conroy.

Mr. Irving Reichert, also a member of the Bar Association, spoke in regard to the funding of the training for the Civilian Investigators by POST.

Chief Gain then stated that there may be some problems as far as getting POST to pay for the training of these persons. He stated that he knew of no regulations in POST that permits any funding for training of non-sworn personnel.

Commissioner Ciani suggested that representatives of the Police Officers' Association lend their assistance in identifying groups of officers that the Commission could meet with personally and find out directly how they look upon the O.C.C., Proposal as a morale problem.

Chief Gain said that what we might do to get a feeling of how the proposal affects the members morale would be to get five patrol officers from each district station, kind of randomly selected, to meet with the Commission. He then stated that before closing on this issue he would have Captain Conroy speak on the proposed training for those officers who would be hired under the Mayor and Board of Supervisor's Plan.

Captain Conroy said that the entire northern portion of the State would open their training facilities for our purposes. He said he was assured that they will make every effort to help us in training and also make every effort to help finance the training. He stated further that there were 21 sites to choose from for the training.

At this point, Mr. Amitai Schwartz asked to be heard on a different subject matter and commended the Chief for issuing a Training Bulletin on Stop and Frisk as this Bulletin made clear to the Police Officers in the San Francisco Police Department what will and will not be tolerated. However, he stated, some of the statements in the Bulletin should be reconsidered by the Department.

Chief Gain stated that he had been made aware of what the concerns are and tomorrow he would confer with the District Attorney's Office and rectify any matter that needs rectifying in that Bulletin.

TRANSFER OF LIMOUSINE PERMIT - APPROVED

The matter of the transfer of the right to operate a limousine by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions of the ordinance applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a limousine to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Robert M. Simon 282 Dennis Drive Daly City, California	Ira Wulken 245-9th Avenue San Francisco, California	1

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

PUBLIC HEARING RELATIVE TO ADOPTING A RESOLUTION AMENDING RULE 2.36 OF THE RULES AND PROCEDURES OF THE SAN FRANCISCO POLICE DEPARTMENT - WEIGHT AND PHYSICAL FITNESS STANDARDS, continued from December 1, 1976 - CONTINUED OFF CALENDAR.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

BIBLIOGRAPHY FOR PROMOTIVE EXAMINATION FOR LIEUTENANT OF POLICE, CONTINUED FROM MEETING OF DECEMBER 1, 1976.

Chief Gain stated that he would have Captain Conroy who has been working arduously, report on this matter.

Captain Conroy stated that he had checked with Captains Mullen and Kristensen, who were on the Bibliography Committee and with Dr. Mimi Silbert, who is the Academy's Advisor on training, and she checked with her compatriots at U.C. Berkeley, San Francisco State University and Stanford University. He then

stated that he personally checked with Mr. Tom Anderson, who is in charge of the School of Public Administration at Golden Gate University, and various other authorities. He stated that it comes back to the same statement that had been previously made before the Commission, that there are no good books in the field on either Women in Policing or Minorities in Policing.

Commissioner Murphy then made a motion, which was seconded by Commissioner Ciani, to adopt the Lieutenant's Bibliography as follows:

RESOLUTION NO. 583-76

AMENDING RESOLUTION NO. 547-76 BY ADOPTING NEW RESOLUTION NO. 583-76, BIBLIOGRAPHY FOR PROMOTIVE EXAMINATION FOR Q60 LIEUTENANT OF POLICE.

WHEREAS, under the provisions of Section 8.327, of the Charter, the Bibliography for Promotional Examination for Q60 Lieutenant of Police, must be adopted by resolution of the Police Commission and submitted to the Civil Service Commission requesting examination for said position; and

WHEREAS, a bibliography for the position of Q60 Lieutenant of Police has been submitted to the Police Commission, as follows:

1. POLICE ADMINISTRATION
Wilson & McLaren
Third Edition
McGraw-Hill Publisher
2. HUMAN BEHAVIOR AT WORK
Davis-Fourth Edition
McGraw-Hill Publisher
3. FUNDAMENTAL OF CRIMINAL INVESTIGATION
Charles O'Hara
Fourth Edition
Thomas Publishing Company
Less Part 7 (Chapters 37-43, Incl.)
Include Appendix 1
Include Appendix 2
4. POLICE
National Advisory Commission on
Criminal Justice and Goals
Publisher: Government Printing Office
5. UNIFORM CRIME REPORTING HANDBOOK (FBI)
Revised January, 1976
Available: Personnel & Training Division

6. VARIETIES OF POLICE BEHAVIOR
James Q. Wilson
Second Printing - 1969
Harvard University Press
Cambridge, Massachusetts
7. PRINCIPLES OF MANAGEMENT
A PROGRAM OF SELF-INSTRUCTION
Third Edition
Leonard J. Kazmier
McGraw-Hill Book Company
1974
8. ADMINISTRATION OF JUSTICE: AN INTRODUCTION
J. Norman Swanton, Loren Morgen
D. Van Nostrand Co. (CHAPTER 12 ONLY)
New York, N.Y. 1975

and

WHEREAS, the Police Commission does hereby approve the above-listed Bibliography for the position of Q60 Lieutenant of Police contingent upon the approval and adoption by the Civil Service Commission; therefore be it

RESOLVED, that the above-listed Bibliography for the position of Q60 Lieutenant of Police is hereby submitted to the Civil Service Commission for their approval and adoption.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RESOLUTION NO. 584-76

HEARING OF POLICE OFFICER MARIO DILORENZO, INGLESIDE
POLICE STATION.

WHEREAS, the hearing of Police Officer Mario DiLorenzo, Ingleside Police Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, that the hearing of Police Officer Mario DiLorenzo be continued to Wednesday, February 9, 1977, because Officer DiLorenzo is currently on disability leave; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Mario Di Lorenzo, is set for Wednesday, February 9, 1977 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED, that the recommendation of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

59 - 30th STREET - VACANT (out of business)

- a) At 59 -30th Street, revoke existing 36' yellow zone.

1627 QUESADA AVENUE - BIG SAVE MARKET

- a) At 1627 Quesada Avenue, install a 22' yellow zone, to extend west of east property line.

404 BRYANT STREET - KENSON TRADING COMPANY

- a) At 404 Bryant Street, install a 22' yellow zone, to extend from 15' - 37' east of west property line.

1111 SANCHEZ STREET - GREY DOG, INC.

- a) At 1111 Sanchez Street, install a 22' yellow zone, to extend from 33' - 55' north of south property line.

249 GEARY STREET - MACY'S

- a) At 249 Geary Street, install a 62' white zone, to extend 62' east of Light Pole #23.

10 FELTON STREET - ZUPO'S FASHION FLOORS

- a) At 10 Felton Street, install a 32' yellow zone, to extend from 2' - 34' east of west property line.

2121 CLEMENT STREET - HAHN'S HIBACHI

- a) At 2121 Clement Street, install a 22' white zone, to extend from 4' - 26' east of west property line.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 36 feet of yellow zone at various parts of the City at the locations submitted, be, and the same is hereby approved.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RESOLUTION NO. 572-76

JAMES R. HADLEY, III

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James R. Hadley, III against the City and County of San Francisco in the sum of \$21.00 as the result of a faulty tow, be, and the same is hereby approve.

Date of Incident: August 18, 1976

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RESOLUTION NO. 573-76

MAX HATAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Max Hatam against the City and County of San Francisco in the sum of \$100.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 25, 1976

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RESOLUTION NO. 574-76

LAWRENCE JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lawrence

Johnson against the City and County of San Francisco, in the sum of \$200.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 3, 1976

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RESOLUTION NO. 575-76

DANA ROSE

RESOLVED that the recommendation of the City Attorney for settlement of the claim of Dana Rose against the City and County of San Francisco in the sum of \$21.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 7, 1976

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RESOLUTION NO. 576-76

SHANGE-MEI LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shange-Mei Lee against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 7, 1976

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RESOLUTION NO. 577-76

EARL FISHER AND HIS ATTORNEY GERALD J. TIERMAN,
LEVY, VANBOURG AND HACKELER

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Earl Fisher in the sum of \$2,800.00 in Superior Court Action No. 665-176 entitled "Earl Fisher vs. City and County of San Francisco, et al," as the result

of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: June 13, 1973

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RESOLUTION NO. 578-76

FREDERICK JEROME ROBINSON

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of Frederick Jerome Robinson against the City and County of San Francisco in the sum of \$800.00 as the result of damages sustained, be, and the same is hereby approved.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RESOLUTION NO. 579-76

GILBERT PEREZ AND HIS ATTORNEY
EDWARD SOLOMON

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Gilbert Perez in the sum of \$27,500 in Superior Court Action No. 591-868 entitled "Gilbert Perez v. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 27, 1967

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RESOLUTION NO. 582-76

MR. AND MRS. JAMES ESKRIDGE AND
MR. AND MRS. ANDRE MACEDON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mr. and Mrs. James Eskridge and Mr. and Mrs. Andre Macedon against the City and County of San Francisco in the total amount of \$1,000.00 (\$250.00 per individual) as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 1, 1974

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RESOLUTION NO. 580-76

AUTHORIZING ATTENDANCE OF ASSISTANT INSPECTOR GERARD D. EVANS, INVESTIGATIONS BUREAU, AT AN ORGANIZED CRIME INFORMANT DEVELOPMENT AND MAINTENANCE COURSE AT THE CALIFORNIA DEPARTMENT OF JUSTICE, SACRAMENTO, CALIFORNIA, FROM DECEMBER 12, 1976 TO DECEMBER 17, 1976, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Assistant Inspector Gerard D. Evans, Investigations Bureau, be detailed to attend an Organized Crime Informant Development and Maintenance Course at the California Department of Justice, Sacramento, California, from December 12, 1976 to December 17, 1976, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Assistant Inspector Gerard D. Evans, Investigations Bureau, in a sum not to exceed \$171.20 in attending this course, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RESOLUTION NO. 581-76

REQUEST FOR SUPPLEMENTAL APPROPRIATION

RESOLVED, that the Controller be, and he is hereby requested to draw a Supplemental Appropriation in the amount of \$149,794 from any fund approved by the Mayor or Controller, and credit it to the following appropriations in the amounts indicated:

Appropriation No. 1.161.120.001.000	
Temporary Salaries-Civilian	\$75,544

Appropriation NO. 1.161.400.000.000	
Equipment	\$74,250

to provide funds for City's contribution to C.E.T.A., program for employment of thirty-five (35) 8238 Communication Dispatchers.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

RESOLUTION NO. 586-76

AMENDING RESOLUTION NO. 570-76 REQUEST FOR SUPPLEMENTAL APPROPRIATION.

RESOLVED, that Resolution No. 570-76 is hereby amended by reducing the requested amount from \$328,015 to \$212,325 as the result of amending C.E.T.A., Q2 employments from one hundred (100) to fifty-nine(59).

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

WEEKLY SICK REPORT

Chief of Police Charles R. Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, November 30, 1976, as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	63	82
Daily average for the week disabled	<u>117</u>	<u>122</u>
TOTALS	180	204

This is a decrease of twenty-four (24) members off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	2.94	4.10
Daily percentage for the week disabled	<u>7.05</u>	<u>7.30</u>
TOTALS	9.99	11.40
Disabled at start of week	123	
Started during week	11	
Returned during week	12	
Disabled at end of week	122	
Net Gain or Loss	-1	

Sick and Disabled for week ending Saturday, December 6, 1975 at 2400 hours:

Daily average for the week sick	60
Daily average for the week disabled	<u>97</u>
TOTAL	157
Daily percentage for the week sick	3.11
Daily percentage for the week disabled	<u>5.20</u>
TOTAL	8.31

Sick and Disabled for week ending Tuesday, November 9, 1976 at 2400 hours:

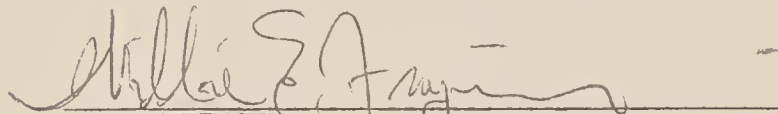
Daily average for the week sick	78
Daily average for the week disabled	<u>120</u>
TOTAL	198
Daily percentage for the week sick	4.04
Daily percentage for the week disabled	<u>7.27</u>
TOTAL	11.31

The report was ordered filed.

AYES: Commissioners Ciani, Murphy, Siggins

NOT VOTING: Commissioners Gallegos, Hall

The Commission then adjourned its meeting.



SECRETARY

DOCUMENTS

minutes

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15 DECEMBER 1976

REGULAR MEETING

The Police Commissioner of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, December 15, 1976 at 1730 hours, in regular session.

PRESENT: Commissioners Hall, Murphy, Siggins

ABSENT: Commissioners Ciani, Gallegos

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of the Special Meeting of December 6, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Hall, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Gallegos

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: "The only comment I have to make Mr. President, Members of the Commission, is that tomorrow afternoon I will be leaving the City and going to Watsonville, where our Supervisory Officers Course is being held, to participate Thursday night and Friday morning. I will return to the City at approximately 2:00 p.m., Friday. My whole staff will be here so I will be out of town and my Secretarial Staff will have a number where I can be reached in case something occurs."

RESOLUTION REQUESTING A GENERAL SURVEY OF THE DEPARTMENT BY THE COMMISSION ON PEACE OFFICERS STANDARDS AND TRAINING.

Chief Gain: "I have submitted a letter to you and a request relative to the Commission passing a Resolution requesting that the Commission on Peace Officers Standards and Training provide survey services to us. What I would like to request and what this is requesting is that the Peace Officers Training Staff come in and conduct surveys of various functions of the Department as we may choose. As for example, we recognize we need

a survey of our Permit Bureau as far as procedures undertaken to simplify them and also in our Patrol Bureau we need surveys there as far as distribution of personnel and deployment and things of that matter, so the favorable adoption of the RESolution will result in Staff from POST coming in and undertaking the survey as we determine working in conjunction with our Staff."

Commissioner Hall: "How long will this take?"

Chief Gain: "It will be an ongoing process. There is no actual commencement date designated although next Tuesday, if you act favorably, I will then be conferring with Mr. Toothman who is the Director of the particular division and then we will identify the first function to be surveyed and based upon complexity that will determine length of time and then we will undertake another survey and go on from there. So it might take, for example, six (6) months or a year, depending upon the availability of their staff to complete an overall survey. Incidentally, the POST Staff is here now surveying our crime lab so that we can determine space needs, personnel needs, equipment needs, layout needs or whatever it may be."

Commissioner Murphy then asked how much would it cost and the Chief stated that there would be no cost whatsoever.

Commissioner Murphy stated that she thought it might be useful if they took the procedure proposals of the Bar Association's O.C.C., and surveyed what the Internal Affairs Bureau does now and see how they could possibly be put together if possible. She stated then the Commission could have an objective look at the procedures.

Chief Gain stated that he had not spoken to them specifically about that so he had to determine if whether we want to get them involved. He then stated that incidentally he had just received a document from the Peace Officers Standards and Training about Model Internal Affairs Bureau Procedures. He stated he would make additional copies for the Commission and for the Internal Affairs Bureau also.

The Commission then passed the following resolution:

RESOLUTION NO. 592-76

RESOLUTION REQUESTING A GENERAL SURVEY OF THE SAN FRANCISCO POLICE DEPARTMENT BY THE COMMISSION ON

PEACE OFFICERS STANDARDS AND TRAINING - APPROVED.

WHEREAS, the Chief of Police conferred with Mr. Edward M. Toothman, Director of the Law Enforcement Management Services Division, Commission on Peace Officers Standards and Training (POST) relative to POST undertaking a general survey of the San Francisco Police Department; and

WHEREAS, the general survey will consist of POST staff, specifically the Law Enforcement Management Services Division, undertaking surveys of organizational units designated by the Chief, such as the Patrol Division, the Youth Services Bureau, the Permit Bureau and eventually every organizational component of the Department; and

WHEREAS, the Director of the Law Enforcement Management Services Division, Mr. Edward M. Toothman, states that the survey will be undertaken at the request of the Police Commission; and

WHEREAS, the Chief of Police has hereby requested that the Police Commission adopt a resolution requesting that POST undertake the survey; therefore be it

RESOLVED, that the request of the Chief of Police for the Police Commission to adopt a resolution requesting a General Survey of the San Francisco Police Department by the Commission on Peace Officers Standards and Training, be, and the same is hereby approved; and be it further

RESOLVED, that the Police Commission does hereby request that the Commission on Peace Officer Standards and Training (POST) undertake a general survey of organizational units of the San Francisco Police Department as designated by the Chief, i.e., the Patrol Division, the Youth Services Bureau, the Permit Bureau and eventually every organizational component of the San Francisco Police Department.

AYES: Commissioners Hall, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Gallegos

RESOLUTION NO. 590-76

TRAFFIC CONTROLMAN JOHN CONNLYY, TRAFFIC BUREAU

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Depart-

ment were filed against Traffic Controlman John Connolly, as follows:

SPECIFICATION NO. 1

Failure to Obey Direct Order.
(Violation of Section 2.45 of the
Rules and Procedures of the San
Francisco Police Department.)

SPECIFICATION NO. 2

Activity Reflecting Discredit upon
the Department. (Violation of Sec-
tion 2.13 of the Rules and Procedures
of the San Francisco Police Department.)

by Charles R. Gain, Chief of Police,; therefore be
it

RESOLVED, that the hearing before the Police
Commission on charges filed against Traffic Controlman
John Connolly, Traffic Bureau, be, and the same is here-
by set for Wednesday, January 5, 1977 at 5:30 p.m., in
Room 551, Hall of Justice.

AYES: Commissioners Hall, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Gallegos

RESOLUTION NO. 591-76

HEARING OF POLICE OFFICER JOHNNIE FLANNIGAN, MISSION
POLICE STATION

WHEREAS, the hearing of Police Officer
Johnnie Flannigan, Mission Police Station, was called,
it having been set for this date; and

WHEREAS, Mr. Carlos C. LaRoche, who is re-
presenting Police Officer Johnnie Flannigan, has re-
quested a continuance in this matter until the crim-
inal proceedings have been disposed of; therefore
be it

RESOLVED, that the date for the hearing of
the disciplinary charges filed against Police Officer
Johnnie Flannigan, is set for Wednesday, January 5,
1977 at 5:30 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Hall, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Gallegos

RESOLUTION REQUESTING THE BOARD OF SUPERVISORS TO
FORWARD A RESOLUTION TO THE STATE FIRE MARSHALL
DESIGNATING THE POLICE DEPARTMENT AS THE ISSUING
AUTHORITY FOR PERMITS FOR POSSESSION OF EXPLOSIVES.

Sergeant David Roche, of the Legal Office, spoke on this matter, stating that the local government either had to designate the Chief of Police or the Fire Department as the issuing authority to release the permits. He continued by saying, now they have amended this statute and said if the local governing authority does not notify the State Fire Marshal as to who is going to be the issuing authority, the State Fire Marshal will automatically designate the Sheriff. So this is the Resolution to be sent to the Board of Supervisors for transmittal to the State Fire Marshal to retain that authority within the Police Department.

The Commission then adopted the following resolution:

RESOLUTION NO. 593-76

RESOLUTION REQUESTING THE BOARD OF SUPERVISORS TO
FORWARD A RESOLUTION TO THE STATE FIRE MARSHAL DE-
SIGNATING THE POLICE DEPARTMENT AS THE ISSUING AUTH-
ORITY FOR PERMITS FOR POSSESSION OF EXPLOSIVES.

WHEREAS, Section 12007 of the Health and Safety Code of the State of California was amended to require the governing body of a City and County to designate either the head of the Municipal Police Department or the Chief of a Fire Department as the issuing authority for the issuance of permits to do any of the things mentioned in Section 12101 of the Health and Safety Code; and

WHEREAS, if the governing body of a City and County does not designate either the head of the municipal Police Department or Chief of the Fire Department as the issuing authority, the State Fire Marshal shall designate the Sheriff as the issuing authority; and

WHEREAS, historically the San Francisco Police Department has issued said permits with the advise and concurrence of the San Francisco Fire Department; be it therefore,

RESOLVED, that the Police Commission does hereby request that the Board of Supervisors of the City and County of San Francisco designates the Chief of Police of the San Francisco Police Department as the issuing authority for the issuance of permits for those activities stated in Section 12101, Health and Safety Code; and be it further

RESOLVED, that it is hereby requested that the Board of Supervisors forward this resolution to the California State Fire Marshal.

AYES: Commissioners Hall, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Gallegos

RECOMMENDATIONS OF THE TRAFFIC BUREAU

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1109 VALENCIA STREET - SAMUEL GOMPERS SCHOOL

- a) At 1109 Valencia Street, revoke existing 126' white zone.

483 FRANCISCO STREET - FORMERLY RAILROAD BELT

- a) At 483 Francisco Street, revoke existing 32' yellow zone.

2200 POWELL STREET - SURVEY DIVISION

- a) At 2200 Powell Street, revoke existing 14' yellow zone.

398 FRANCISCO STREET - TRAFFIC SURVEY

- a) At 398 Francisco Street, revoke existing 22' green zone.

CONCOURSE DRIVE - ACADEMY OF SCIENCES

- a) At Concourse Drive - Academy of Sciences - install a 33' blue zone, to extend from 33' - 66' south of Handicap Ramp.

939 IRVING STREET - PETER PAN NURSERY SCHOOL

- a) At 939 Irving Street, install a 22' white zone, to extend west of the east property line.

AYES: Commissioners Hall, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Gallegos

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 194 feet of white, yellow and green zones at various parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Hall, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Gallegos

RESOLUTION NO. 587-76

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - APPROVED

WHEREAS, Police Officer Johnnie Flannigan, Mission Police Station, was suspended without pay effective at 1200 hours, Friday, November 5, 1976, pending hearing of the charges before the Police Commission; and

WHEREAS, Police Officer Johnnie Flannigan has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Johnnie Flannigan, Mission Police Station, be placed on an extended Leave of Absence Without Pay at his request for a period

of ninety (90) days, commencing December 5, 1976 until March 5, 1977, until his hearing is held before the Police Commission.

AYES: Commissioners Hall, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Gallegos

RESOLUTION NO. 588-76

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRAVEL EXPENSES INCURRED BY LIEUTENANTS PATRICK H. RICHARDSON AND JEAN KNIGHT, FIELD OPERATIONS-PATROL DIVISION AND LIEUTENANT DIARMIUD PHILPOTT, INTELLIGENCE UNIT, TO ATTEND A POLICE MIDDLE MANAGEMENT TRAINING COURSE IN WATSONVILLE, CALIFORNIA, FROM OCTOBER 30, 1976 TO NOVEMBER 12, 1976, INCLUSIVE.

WHEREAS, on the recommendation of the Chief of Police, Lieutenants Patrick H. Richardson and Jean R. Knight, Field Operations, Patrol Division, and Lieutenant Diarmuid Philpott, Intelligence Unit, received permission from the Police Commission to attend a Police Middle Management Training Course in Watsonville, California, from October 30, 1976 to November 12, 1976, inclusive; and

WHEREAS, Lieutenants Patrick H. Richardson, Jean R. Knight and Diarmuid Philpott, did travel to Watsonville, California to attend said training course on October 30, 1976 to November 12, 1976, inclusive; therefore be it

RESOLVED, that expenses in the amount of \$680.00 each incurred by Lieutenants Patrick H. Richardson, Jean R. Knight and Diarmuid Philpott, while attending this training course are hereby approved. Expenses will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Hall, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Gallegos

RESOLUTION NO. 589-76

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program; said

expenses having been approved by the Chief of Police, be, and the same are hereby approved:

Police Officer Timothy L.)	\$174.20	(Organized Crime
Simmons,	)	(Informant Develop-
Intelligence Unit	)	(ment and Maintenance
		(Training Course,
		(Sacramento, Calif-
		(ornia, from November
		(14, 1976 to November
		(19, 1976, inclusive.

AYES: Commissioners Hall, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Gallegos

WEEKLY SICK REPORT

Chief of Police Charles R. Gain, submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, December 7, 1976 at 2400 hours, as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	88	63
Daily average for the week disabled	<u>123</u>	<u>117</u>
TOTALS	211	180

This is an increase of thirty one (31) members off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	4.25	2.94
Daily percentage for the week disabled	<u>7.41</u>	<u>7.05</u>
TOTALS	11.66	9.99

Disabled at start of week	120
Started during the week	18
Returned during the week	19
Disabled at the end of week	119
Net Gain or Loss	-1

Sick and Disabled for the week ending Saturday, December 13, 1975 at 2400 hours:

Daily average for the week sick	62
Daily average for the week disabled	<u>96</u>
TOTAL	158

Daily percentage for the week sick	3.21
Daily percentage for the week disabled	<u>5.15</u>
TOTAL	8.36

Sick and Disabled for the week ending Tuesday,
November 16, 1976 at 2400 hours:

Daily average for the week sick	69
Daily average for the week disabled	<u>124</u>
TOTAL	193

Daily percentage for the week sick	3.31
Daily percentage for the week disabled	<u>7.48</u>
TOTAL	10.79

The report was ordered filed.

AYES: Commissioners Hall, Murphy, Siggins

NOT VOTING: Commissioners Ciani, Gallegos

Commissioner Siggins stated that there are a number of persons here tonight in regards to the Yellow Cab issue but the Commission would not spend a great amount of time on it.

He then recognized Mr. Robert Abraham, Business Representative from the Chauffeur's Union, Local 265, who stated that their reason for being here was not only because of the Yellow Cab Permits but because of Supervisor Dianne Feinstein saying she was going to ask the Police Commission to issue to the four Major Cab Companies some 90 temporary cab permits and they wanted to object to this proposal. He further stated that he did not know whether it was to be on the agenda tonight but that is what Supervisor Alfred Nelder had told them.


Commissioner Siggins stated that there wasn't anything before the Commission tonight in that regard and he did not see as to how Supervisor Nelder could have said that.

Sergeant Roche from the Legal Office stated that he had read where the Supervisors mentioned something about this but before it could be done, the Department would need enabling legislation from the Board of Supervisors.

Mr. Abraham then stated that there was an article in the Newspaper quoting Bill Lazar, Manager of Luxor Cab Company, who stated that they could put 91 cabs on the street right now if Temporary Permits were issued. Mr. Abraham continued by saying that he would like to have Chief Gain know that right now there are 91 non-medallion Cabs out in the street and that he would like to know what could be done about it.

Chief Gain stated that nothing was known about this at the present time but if they are out without authority, the Department would look into it, and if true, immediately put a stop to it.

The Commission then adjourned its meeting.


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22 DECEMBER 1976

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REGULAR MEETING

The Police Commission of the City and County of San Francisco, met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, December 22, 1976 at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Gallegos, Hall, Siggins

ABSENT: Commissioner Murphy

Commissioner Siggins presiding.

The members of the Commission, having been furnished copies of the minutes of the meeting of December 8, 1976, sufficient time was not available to peruse for approval and approval of same was continued until the meeting of December 29, 1976.

AYES: Commissioners Ciani, Gallegos, Hall, Siggins

NOT VOTING: Commissioner Murphy

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Clement D. DeAmicis appearing in the absence of Chief Gain stated that there was no Chief's Report today.

Commissioner Siggins stated to the Deputy that at the end of the meeting the Commission would like to discuss with him about the Commission's intention to visit with the police officers at district stations to discuss with them their ideas concerning the Bar Association's Proposal to establish an Office of Citizens Complaint Procedures.

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Hall who chaired this meeting stated that he wanted to recommend the approval of all with the exception of one application which he was now recommending to be upgraded from a Bronze Medal of Valor to a Silver Medal of Valor for Officers Shubin and Gossman, who, during the voting of the Awards Committee, missed being awarded the Silver Medal by one vote.

Commissioner Siggins then said he would take the advise of Commissioner Hall and that so far this year the Commission has approved the recommendation of each of the Commissioners who have sat on this Committee as Chairman. The motion to approve the upgrading was seconded by Commissioner Ciani and then unanimously approved by the Commission.

Commissioner Ciani then stated that a date should be set to present these awards to the recipients. It was then decided that January 5, 1977 would be the most appropriate time.

RESOLUTION NO. 596-76

RECOMMENDATIONS OF THE AWARDS COMMITTEE - APPROVED

RESOLVED, that the following-named members of the Police Department, be, and they are hereby granted Awards of Valor - Silver Medal, Bronze Medal and Meritorious Conduct Awards under the provisions of Section 5.119 of the Rules and Procedures of the San Francisco Police Department as approved by the Awards Committee on Friday, December 17, 1976:

*Police Officer Paul D. Gossman.....Silver Medal of Valor
*Police Officer Michael M. Shubin...Silver Medal of Valor
Police Officer William J. Banas....Bronze Medal of Valor
Police Officer Stephen N. Bosshard.Bronze Medal of Valor
Police Officer Robert J. Colligan..Bronze Medal of Valor
Police Officer Donald N.
Moorehouse.....Bronze Medal of Valor
Police Officer Richard L. Moses....Bronze Medal of Valor
Police Officer John T. Wallace.....Bronze Medal of Valor
Lieutenant Charles E. Ellis.....Meritorious Conduct Award
Inspector Gus M. Coreris-retired...Meritorious Conduct Award
Inspector John T. Fotinos.....Meritorious Conduct Award
Inspector David R. Toschi.....Meritorious Conduct Award
Assistant Inspector Jeffrey C.
Brosch.....Meritorious Conduct Award
Assistant Inspector Frank J.
Falzon.....Meritorious Conduct Award
Assistant Inspector Carl C.Klotz...Meritorious Conduct Award

*Changed from Bronze Medal of Valor to Silver Medal of Valor on recommendation of Police Commission.

AYES: Commissioners Ciani, Gallegos, Hall,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 597-76

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following-named members of the Police Department have been commended for courageous service under the provisions of Section 5.119 of the Rules and Procedures of the San Francisco Police Department at a meeting of the Police Commission held on Friday, December 17, 1976; and

WHEREAS, Chief of Police Charles R. Gain has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Police Officers Paul D. Gossman and Michael M. Shubin, be, and they are hereby awarded Silver Medals of Valor and granted a reward of \$100.00 each as provided for under said section of the Charter; and be it further

RESOLVED, that Police Officers William J. Banas, Stephen N. Bosshard, Robert J. Colligan, Donald N. Moorehouse, Richard L. Moses and John T. Wallace, be, and they are hereby awarded Bronze Medals of Valor and granted a reward of \$50.00 each as provided for under said section of the Charter; and be it further

RESOLVED, that Lieutenant Charles R. Ellis, Inspectors Gus M. Coreris-retired, John T. Fotinos, David R. Toschi, Assistant Inspectors Jeffrey C. Brosch, Frank J. Falzon, and Carl C. Klotz, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of \$50.00 each as provided for under said Section of the Charter.

AYES: Commissioners Ciani, Gallegos, Hall,
Siggins

NOT VOTING: Commissioner Murphy

TRANSFER OF JITNEY BUS PERMIT - APPROVED

Commissioner Siggins stated that this matter would be approved contingent upon Mr. Bassillio presenting a notarized statement from his wife saying that she had no claims to this permit. (Mr. Bassillio complied with this order on December 27, 1976.)

The matter of the transfer of the right to operate a jitney bus by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions of the ordinance applying thereto. The transferor and transferee appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest that the within-named transferor might have to operate a jitney bus to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFeree</u>	<u>NO. OF PERMITS</u>
Andrew J. Bassillio 614 Paris Street San Francisco, Ca.	Jose L. Ma 664-18th Avenue San Francisco, Ca.	1

Route: Mission Street- Ferry to Sickles Avenue

AYES: Commissioners Ciani, Gallegos, Hall,
Siggins

NOT VOTING: Commissioner Murphy

HEARING TO DETERMINE WHETHER OR NOT THE PERMITS ISSUED TO YELLOW CAB COMPANY SHOULD BE REVOKED AS RECORDS INDICATE THEIR TAXICAB PERMITS ARE NOT BEING OPERATED IN COMPLIANCE WITH SECTION 1079 OF THE MUNICIPAL POLICE CODE (CONTINUOUS OPERATION-REVOCATIONS PROVIDED FOR.)

Commissioner Ciani requested permission from the Commission to abstain from any consideration or action pertaining to the revocation of the permits of Yellow Cab because the firm by which she is employed represents two major creditors of Yellow Cab and she perceives that this will likely present a conflict of interest that will require her abstention.

Commissioner Gallegos then moved that Commissioner Ciani be given this permission as requested which was then seconded by Commissioner Hall and subsequently approved by the remaining Commissioners.

Commissioner Siggins then stated that the Chief of Police had ordered the Yellow Cab Company to put their permits into operation on a daily basis five days ago. Failing to do that, it has therefore come before the Police Commission as an agenda item. He continued by saying that Yellow Cab Company, Nevada Corporation filed in a San Diego Court last Tuesday, a petition in Chapter 11 asking for a reorganization of its business and it has in effect, put all its affairs before the Court in San Diego. He said, handling the matter is Judge Herbert Katz, one of the Bankruptcy Judges in Federal Court in San Diego. He stated that the effect of filing under Chapter 11 as he understood it, restrains all actions that are pending against Yellow Cab and furthermore it was the ruling of the Court today (as will be explained by the Deputy City Attorney) that this Commission as a matter of law has no right to revoke those permits.

He further stated that Sergeant David Roche, Deputy City Attorney Stephen Diaz and he had just returned from San Diego. He then asked the Deputy City Attorney Diaz to explain to those persons in attendance at tonight's meeting.

Deputy City Attorney Stephen Diaz then explained the situation thusly: "Mr. President, Members of the Commission, yesterday the Yellow Cab Company of the Nevada Corporation filed in the U.S. District Court in Southern California, a complaint for injunction in application for a temporary restraining order in which they named the City and County of San Francisco as a defendant in which they sought an order from the Bankruptcy Court which would enjoin this Commission from proceeding under the Police Code and Charter of the City and County of San Francisco with these hearings in regard to the possible abandonment of the Licenses or Medallions which had been left to Yellow Cab to operate taxis within our jurisdiction. A hearing was held on that matter this morning. After considerable argument the Court took the matter under submission and came back later this day with a ruling to the affect that as a result of the complaint for the injunction that no restraining order of injunction would, in fact, be issued, but that inasmuch as the Bankruptcy Act pursuant to Rule 11-44 of the Rules of the Bankruptcy Procedure created an automatic stay of all proceedings Civil or Criminal against a Bankrupt, that the Court would permit that automatic stay to remain in effect against these proceedings pending a further motion by the City and County pursuant to Rule 11-44d and/or e of the Rules of Bankruptcy, in which we may move to dissolve that automatic stay. After some discussion with the President of the Commission and with Sergeant Roche, it was decided that a recommendation should be made because we believed that the merits of the proceedings would warrant it, that such a motion should be brought and that recommendation should therefore be made to the Commission for consideration."

Mr. Michael Ohleyer, Attorney for Yellow Cab Corporation, and Mr. Charles O'Connor, President, made short

statements regarding the status of the Yellow Cab at this time.

Commissioner Siggins then stated that there was nothing else the Commission could do because of the pending litigation. He further stated that the decision of the Bankruptcy Judge will be passed on to the Mayor tomorrow morning and also to the Board of Supervisors and there was nothing that the Police Commission could do tonight.

RESOLUTION NO. 598-76

HEARING OF POLICE OFFICER GEORGE MOISSANT, TARAVAL
POLICE STATION.

WHEREAS, the hearing of Police Officer George Moissant, Taraval Police Station, was called, it having been set for this date; and

WHEREAS, Mr. George Engler, Attorney for Police Officer George Moissant, has requested a continuance in this matter as Officer Moissant is still undergoing medical treatment for his condition, and a hearing at this time would be detrimental to his health; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer George Moissant is set for Wednesday, January 18, 1977 at 5:30 pm., in Room 551, Hall of Justice.

AYES: Commissioners Ciani, Gallegos, Hall,
Siggins

NOT VOTING: Commissioner Murphy

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

731 BRYANT STREET - ROTHCOAST COMPANY

- a) At 731 Bryant Street, install a 22' green zone, to extend from 9' - 31' east of west property line.

51 HARLOW STREET - EVERETT JR. HIGH SCHOOL

- a) At 51 Harlow Street, install a 22' yellow zone, from 22' - 44' south of Church Street.

450 CHURCH STREET - EVERETT JR. HIGH SCHOOL

- a) At 450 Church Street, revoke 126' from existing 240' white zone - (from 86' - 212' south of 16th Street.)

430 CHURCH STREET - EVERETT JR. HIGH SCHOOL

- a) At 430 Church Street, revoke 74' yellow zone, and install white zone.

480 CHURCH STREET - EVERETT JR. HIGH SCHOOL

- a) At 480 Church Street, revoke 27' yellow zone, install white zone.

2598 - 22nd STREET - SAN FRANCISCO GENERAL HOSPITAL

- a) At 2598 - 22nd Street, revoke 168' white zone.

2550 - 22nd STREET - SAN FRANCISCO GENERAL HOSPITAL

- a) At 2550 - 22nd Street, revoke 168' white zone.

2555-75 - 22nd STREET - SAN FRANCISCO GENERAL HOSPITAL

- a) At 2555-75 - 22ND Street, revoke 256' red zone.

1620 WEBSTER STREET - NEW QUALITY FLOWER SHOP

- a) At 1620 Webster Street, install a 22' yellow zone, to extend from 53' - 75' north of south property line.

3727 GEARY BOULEVARD - PRINTING PLUS

- a) At 3727 Geary Boulevard, revoke existing 22' yellow zone.

1671 HAIGHT STREET - JACKSON & SONS GLASS COMPANY

- a) At 1671 Haight Street, install a 22' yellow zone, to extend east of west property line.

3209 SCOTT STREET - SCOTT'S SEAFOOD GRILL & BAR

- a) At 3209 Scott Street, install a 22' yellow zone, to extend south of north property line.

2400 LOMBARD STREET - SCOTT'S SEAFOOD GRILL & BAR

- a) At 2400 Lombard Street, install a 22' white zone, to extend west from east property line.

AYES: Commissioners Ciani, Gallegos, Hall,
Siggins

NOT VOTING: Commissioner Murphy

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 841 feet of red, white and yellow zones at various parts of the City at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Ciani, Gallegos, Hall,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 594-76

NAJA M. SANDERS AND HER ATTORNEY MICHAEL D. WOODS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Naja M. Sanders in the sum of \$6,619.75 in Superior Court Action No. 682-929 against the City and County of San Francisco as the result of a collision with a Police

vehicle be, and the same is hereby approved.

Date of Accident: September 27, 1974

AYES: Commissioners Ciani, Gallegos, Hall,
Siggins

NOT VOTING: Commissioner Murphy

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

- a) Inspector Donald J. Murphy, Juvenile Bureau, for industrial disability, effective December 13, 1976.
- b) Police Officer William J. Lazzareschi, Traffic Bureau, for industrial disability, effective December 14, 1976.
- c) Police Officer John E. Williams, Traffic Bureau, for industrial disability, effective December 9, 1976.

The communications were ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 595-76

ANNUAL LEAVE OF ABSENCE FOR THE YEAR 1977

WHEREAS, pursuant to the provisions of Section 8.440 of the Charter of the City and County of San Francisco, all members of the Police Department, both uniformed and civilian after one year's continuous service, shall be allowed a vacation with pay of ten (10) working days; all members of the Police Department, both uniformed and civilian after five years continuous service, shall be allowed a vacation with pay of fifteen (15) working

days; and all members of the Police Department, both uniformed and civilian, after fifteen years continuous service, shall be allowed a vacation with pay of twenty (20) working days; said vacation period for 1977 to be all inclusive (January 1, 1977-December 31, 1977) for the entire calendar year; the responsibility for seeing that sufficient manpower is on duty in any rank is properly that of the superior officer involved; therefore be it

RESOLVED, that in selecting periods for vacation, the members shall draw according to seniority in their respective ranks; and be it further

RESOLVED, that periods may be taken on an intermittent daily basis; provided, however, that any employee who is entitled to a vacation allowance of five (5) or more working days shall take at least five (5) days of his vacation at one time annually.

AYES: Commissioners Ciani, Gallegos, Hall, Siggins

NOT VOTING: Commissioner Murphy

WEEKLY SICK REPORT

Chief of Police Charles R. Gain, submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, December 14, 1976 at 2400 hours as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	85	88
Daily average for the week disabled	<u>117</u>	<u>123</u>
TOTALS	202	211

This is a decrease of nine (9) members off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	4.25	4.25
Daily percentage for the week disabled	<u>7.05</u>	<u>7.41</u>
TOTALS	11.30	11.66

Disabled at start of week	126
Started during the week	11
Returned during the week	12
Disabled at end of week	125
Net Gain or Loss	-1

SICK AND DISABLED FOR WEEK ENDING SATURDAY,
DECEMBER 20, 1975 AT 2400 HOURS:

Daily average for the week sick	68
Daily average for the week disabled	<u>94</u>
TOTAL	162
Daily percentage for the week sick	3.54
Daily percentage for the week disabled	<u>5.03</u>
TOTAL	8.57

SICK AND DISABLED FOR THE WEEK ENDING TUESDAY,
NOVEMBER 23, 1976 AT 2400 HOURS:

Daily average for the week sick	82
Daily average for the week disabled	<u>122</u>
TOTAL	204
Daily percentage for the week sick	4.10
Daily percentage for the week disabled	<u>7.30</u>
TOTAL	11.40

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Siggins

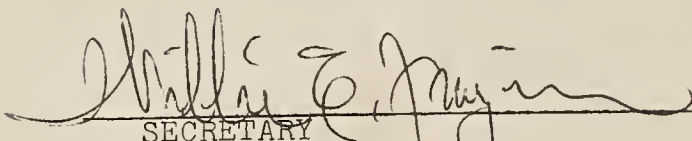
NOT VOTING: Commissioner Murphy

The Commission then discussed with the Deputy Chief the possibility of the commissioners going out to the various district stations and discussing with the Officers the Bar Association's Proposal for the establishment of an Office of Citizens Complaints. The Deputy then stated that he would

devise a schedule of meetings to coincide with the change of watch at each station, i.e., 8 a.m., and 4 p.m., with one (1) or two (2) Commissioners attending each session. He stated he would have that schedule prepared by next week.

Commissioner Siggins then stated that in regard to the Police Officer's Association's letter for a meet and confer session: "They want to meet and confer on Rule 2.36 regarding Weight and Physical Fitness Standards and we had told them we would meet with them at any time in this building and once again they say it is our (P.O.A) understanding that the Commission has agreed to alternate meeting locations. We just want to emphasize once again and to let it be reflected in the minutes that we will meet and confer with them and carry out that process in this building so long as we feel that this is the proper place. We have no agreement to go any place else outside of the building. Mr. Crowley has stated as I understand to the Board of Supervisors that this building is intimidating and so forth, and he hasn't proven that to us and we will meet with them here. Now the last time we had a scheduled meeting they were not able to be here and they decided to write a letter which I considered, at the least, snotty, and which suggested that we acted in disdain of them by setting a date. Once again we will set a date, give them ten (10) days notice and a copy of the earlier letter to Sergeant Crowley, which tells him to give me a telephone call any time he wants if there is any problem about the date we select. So we will select one for some time in January and maybe you (Sergeant Frazier) can handle that by phone call to the various Commissioners."

The Commissioner then adjourned its meeting.



SECRETARY

DOCUMENTS

minutes

29 DECEMBER 1976

SAN FRANCISCO
PUBLIC LIBRARY REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, December 29, 1976 at 1730 hours, in regular session.

PRESENT: Commissioners Ciani, Gallegos, Hall, Siggins

ABSENT: Commissioner Murphy

Commissioner Siggins presiding.

The members of the Commission having been furnished copies of the minutes of the meeting of December 8, 1976 and December 15, 1976, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Ciani, Gallegos, Hall, Siggins

NOT VOTING: Commissioner Murphy

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Gain: . Mr. President, Members of the Commission, I want to inform you orally that today based upon the authority vested in the Chief of Police, I transferred Inspector Rodney Williams from the Community Relations Bureau to the Crimes Against Persons Division in the Bureau of Investigations, and placed in command of the Community Relations Bureau Sergeant Henry Williams. That action is effective today. I want to emphasize as I stated in the written document, the Police Community Relations Bureau as such is not being disbanded. I have a known commitment to Community Relations so the continuance of that Bureau is not at issue. Just briefly, what must exist of course, between the Chief of Police and a person who reports to him are some essential factors such as shared goals, mutual respect, mutual confidence, mutual support and loyalty. And because of incidents which took place during an evaluation of the Community Relations Bureau, with other units within the Department activities, I came to the conclusion that those factors did not exist and so for those reasons in substance, I affected a transfer today. So I report that to you orally."

Commissioner Siggins: "Sergeant Henry Williams has been in the Community Relations Unit before?"

Chief Gain: "Yes sir, Sergeant Henry Williams was a Community Relations Sergeant until a recent date when I found it necessary to transfer sergeants from various units to the Patrol Function because of the critical need of supervision there. I transferred from the Community Relations Bureau, two out of nine Sergeants, one of whom was Sergeant Henry Williams. He is now placed back into that Bureau as the Commanding Officer."

Commissioner Siggins: "Then Inspector Rodney Williams is returned to the Inspectors Bureau?"

Chief Gain: "He goes to the Inspector's Bureau as an Inspector and will be given an appropriate investigative assignment in the Crimes Against Persons Division, which assignment will be made by Deputy Chief McInerney."

Commissioner Gallegos: "Does this represent any loss in pay?"

Chief Gain: "No, he is being paid now as a full Inspector and he is being paid at that salary attached to the rank and that will continue."

Commissioner Ciani: "I just want to clarify that this is not going to have any effect on the existence of the Community Relations Unit, is it not?"

Chief Gain: "Emphatically, it is not. The Community Relations Bureau is essential at this time. It will remain in existence and will not be disbanded, contrary to substantial numbers of rumors that it will be."

Commissioner Siggins: "Chief, is there any further report?"

Chief Gain: "No sir."

Commissioner Siggins: then acknowledged Mrs. Idaree Westbrook.

Mrs. Westbrook then stated that she was concerned about the issue that was before the Commission regarding Inspector Rodney Williams. She stated that during her political involvement with the City she had hoped to see the various ethnic minorities moving upward instead of backwards. She further stated

that she resented the fact that the Chief had made such a decision in moving Inspector Williams without any participation from the Community. She continued by saying that she thought this would set the Police Commission back in dealing with crime in the cities, as another farce for the Black Community.

Commissioner Siggins then stated that the issue of the transfer of Inspector Williams was not before the Commission tonight. He stated that it was something that was reported to the Commission as having been done by the Chief under his authority.

Commissioner Siggins then acknowledged a request to speak by Mr. Joe Hall, President of the NAACP.

Mr. Hall stated that he would like to make a request that either this item be put on the Agenda tonight or at some future date. And that the Community be given a chance to have a full discussion on this item. He further stated that the reason is because this item had been (in his words) festering for a number of years and that they had supported the Chief on a number of items but on this item they felt they could not support the Chief and he would like to make that very clear. He then once again asked the Commission if the matter could not be calendared tonight would the Commission give them the courtesy of calendaring the item at a future date?

Commissioner Siggins then stated that the Commission could entertain it only as a Public Discussion because there is no action that the Commission can take or will be taking under the Charter or any Resolution. The Commission agreed that it would be calendared for the meeting of January 5, 1977.

Commissioner Siggins then acknowledged a request to speak from Mr. Thomas Guinn.

Mr. Guinn said that he had been a long time resident of the City and had seen what Inspector Williams had gone through with several other Chiefs and that he would urge the Commission on behalf of peace in the streets and of the equality of the Administration of the police force in this city that the Commission get involved and be sure and direct the Chief to hold public hearings or that the Commission itself hold public hearings on the issue.

Commissioner Siggins thanked those persons for their presentations and reaffirmed the date and time for the Public Discussion regarding the Directorship of the Community Relations Bureau.

Chief Gain then had Deputy Chief Clement DeAmicis report to the Commission regarding the District

Station Meetings. The Deputy Chief then distributed the shcedule of meetings to the Commissioners and asked them to pick dates as to when they would be available to visit the stations for those meetings. The Commissioners stated that they would work out the schedule for appearances among themselves and then thanked the Deputy for his presentation.

Miss. Rosa Martinez from the Police Incidents Group asked if the public would be invited to attend those meetings at the District Stations?

Commissioner Siggins advised her that it was a situation where one or two Commissioners would visit the Stations and give the police officers a chance to air their views regarding the proposed Office of Citizens Complaint Procedures.

TRANSFER OF JITNEY BUS PERMIT - APPROVED

The matter of the transfer of the right to operate a jitney bus permit by the following-named person was called, it having been advertised in the official newspaper in accordance with the provisions applying thereto. The transferee and transferor appeared in person and were not represented by counsel. The Commission approved the transfer of whatever right, title or interest the within-named transferor might have to operate a jitney bus to the within-named transferee; said approval contingent upon the transferee filing with the Police Commission the appropriate bond and/or insurance policy as provided by the Police Code:

<u>TRANSFEROR</u>	<u>TRANSFEE</u>	<u>NO. OF PERMITS</u>
Logan W. Traver 49 Vienna Street San Francisco, CA.	Rashida Z. Subedar 110 Wembley Drive Daly City, California	1

Route: Mission Street - Ferry to Sickles Avenue

AYES: Commissioners Ciani, Gallegos, Hall, Siggins

NOT VOTING: Commissioner Murphy

MR. J. WILLIAM ROBERTS RE: REQUEST FOR PUBLIC CON-
VENIENCE AND NECESSITY PERMITS.

Mr. J. William Roberts, in his quest to obtain Public Convenience and Necessity Permits, submitted a 28

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page booklet describing the type of services he would be able to provide. He said the name of his business would be the Public Service Cab Company and the Company's reason for being in business would be that of solving possible public problems by providing a great number of public services.

Commissioner Siggins stated to Mr. Roberts that the Commissioners would read the Booklet and get back to him at a later date.

Mr. Thomas Shulten then asked to speak and stated that he had been before the Commission in September. He also stated that he had requested that he be granted a hundred taxi permits in a letter to the Commission on December 3rd. He stated that for those hundred permits, he would pay 3/4 of a million dollars for them and solve the City's transportation problems as far as taxi's are concerned. He said he was quite serious about this matter and if the Commission is going to have a hearing he would certainly like to be considered.

The Commission then advised Mr. Shulten that the matter would be taken under advisement.

Mr. David Gilmartin requested to speak also, in regard to obtaining a Public Convenience and Necessity Permit to operate a per capita bus permit (Sightseeing). He then read the contents of a letter he had written to Lieutenant Dempsey of the Permit Bureau. (Letter on file with calendar items of this date's meeting.) He then stated that they have a retail travel agency that they were in ground transportation services and that they would like to operate a night time night club tour.

Commissioner Ciani then advised Mr. Gilmartin that the Commission would turn this over to the Legal Department to see if the Commission has the legal authority to issue the type of permit he is seeking.

Commissioner Siggins then stated that the Commission would notify him by letter of the Legal Department's opinion.

RESOLUTION NO. 599-76

REV. B. C. CURRINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rev. B. C. Currington against the City and County of San

Francisco in the sum of \$38.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 25, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 600-76

ROGER A. FARRELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roger A. Farrell, against the City and County of San Francisco in the sum of \$284.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: October 22, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 601-76

ROBERT J. LAWSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert J. Lawson against the City and County of San Francisco in the sum of \$18.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 11, 1976

AYES: Commissioners Ciani, Gallegos, Hall,
Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 602-76

AUTHORIZING ATTENDANCE OF DEPUTY CHIEF OF FIELD

OPERATIONS CLEMENT D. DEAMICIS, CAPTAINS STANLEY CORDES, JOSEPH FLYNN AND WILLIAM O'CONNOR, AT AN EXECUTIVE DEVELOPMENT TRAINING COURSE AT GOLDEN GATE UNIVERSITY, TIBURON, CALIFORNIA, FROM JANUARY 23, 1977 TO FEBRUARY 4, 1977, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief of Field Operations Clement D. DeAmicis, Captains Stanley Cordes, Joseph Flynn and William O'Connor, be detailed to attend an executive Development Training Course at Golden Gate University, Tiburon, California, from January 23, 1977 to February 4, 1977, inclusive; be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Deputy Chief of Field Operations Clement D. DeAmicis, Captains Stanley Cordes, Joseph Flynn and William O'Connor, in a sum not to exceed \$356.00 each in attending this course, will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall, Siggins

NOT VOTING: Commissioner Murphy

RESOLUTION NO. 603-76

AUTHORIZING ATTENDANCE OF COMMUNICATIONS DISPATCHER BARBARA A. GRIZZEL, COMMUNICATIONS DIVISION, AT A COMPLAINT/DISPATCHER DESK OPERATOR COURSE AT THE SACRAMENTO LAW ENFORCEMENT TRAINING CENTER AT BRYTE, CALIFORNIA, FROM JANUARY 10, 1977 TO JANUARY 14, 1977, INCLUSIVE.

RESOLVED, that the recommendation of the Chief of Police that Communications Dispatcher Barbara Grizzel, Communications Division, be detailed to attend a Complaint/Dispatcher Desk Operator Course at the Sacramento Law Enforcement Training Center at Bryte, California, from January 10, 1977 to January 14, 1977, inclusive, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Communications Dispatcher Barbara A. Grizzel, in a sum not to exceed \$212.75 in attending this course will be defrayed by the Police Department's Police Officers' Training Fund.

AYES: Commissioners Ciani, Gallegos, Hall, Siggins

NOT VOTING: Commissioner Murphy

WEEKLY SICK REPORT

Chief of Police Charles R. Gain submitted a report of members of the Department off duty due to sickness and disability for the week ending Tuesday, December 21, 1976 at 2400 hours as follows:

		<u>PREVIOUS WEEK</u>
Daily average for the week sick	82	85
Daily average for the week disabled	<u>110</u>	<u>117</u>
TOTALS	192	202

This is a decrease of ten (10) members off duty daily from the previous week.

		<u>PREVIOUS WEEK</u>
Daily percentage for the week sick	6.65	4.25
Daily percentage for the week disabled	<u>4.01</u>	<u>7.05</u>
TOTALS	10.66	11.30
Disabled at start of week	116	
Started during the week	16	
Returned during the week	14	
Disabled at end of week	118	
Net Gain or Loss	+2	

Sick and Disabled for the week ending, Saturday, December 27, 1975 at 2400 hours:

Daily average for the week sick	46
Daily average for the week disabled	<u>98</u>
TOTAL	144
Daily percentage for the week sick	2.36
Daily percentage for the week disabled	<u>5.23</u>
TOTAL	7.59

Sick and Disabled for the week ending, Tuesday, November 30, 1976 at 2400 hours:

Daily average for the week sick	63
Daily average for the week disabled	<u>117</u>
TOTAL	180

Daily percentage for the week sick	2.94
Daily percentage for the week disabled	<u>7.05</u>
TOTAL	9.99

The report was ordered filed.

AYES: Commissioners Ciani, Gallegos, Hall,
Siggins

NOT VOTING: Commissioner Murphy

Commissioner Gallegos: "I would like to move that we adjourn this meeting in the memory of the late Edison Uno who was one of San Francisco's finest citizens as you know, and has just passed away. He was in all respects a great man and fought very hard for human rights. I think that it is tragic at his age of 47 he would pass on, but in his lifetime he certainly contributed significantly to the improvement of Social Justice in this country and in this City. I know he will be missed, and I know that all of you who knew Edison Uno share in my feelings that he truly was one of San Francisco's finest. And so I would make a motion on that."

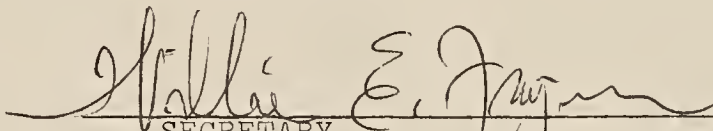
Commissioner Hall: "I second the motion."

Commissioner Siggins: "The motion is seconded and we shall adjourn in his memory. I would also comment that I have known Edison Uno for many years and of the physical infirmity of his heart and we shall adjourn in his honor."

Commissioner Gallegos: "Mr. Chairman, if it is not inappropriate, I would also suggest that we might send a letter to Mrs. Uno from the Commission setting forth our love of his work and of our respect for him."

Commissioner Siggins stated it shall be done.

The meeting was then adjourned in honor of Mr. Edison Uno, 1929 to 1976.


SECRETARY

